

EXHIBIT 6F
Summary Judgment Motion

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RICHARD CADOURA,

Plaintiff,

v.

Case No. 20-cv-12986

Hon. Gershwin A. Drain

Magistrate Judge Anthony P. Patti

THE CITY OF DETROIT,

Defendant.

CONNER GALLAGHER (P82104)

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DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

ORAL ARGUMENT REQUESTED

Defendant City of Detroit moves, pursuant to Fed. R. Civ. P. 56 for dismissal of all counts of Plaintiff Richard Cadoura's Complaint.

1. Richard Cadoura ("Plaintiff") claims that Defendants discriminated and retaliated against him in violation of the Title VII of the Civil Rights Act of 1964, and the Elliot Larsen Civil Rights Act in retaliation for alleged protected activity.

2. Plaintiff's Complaint (Dkt. #1) presents two counts: Count I Retaliation in Violation of Title VII of the Civil Rights Act of 1964, Count II alleges Retaliation in Violation of the Elliot Larsen Civil Rights Act.

3. Plaintiff is unable to establish a prima facie case of retaliation in violation of Title VII or ELCRA.

4. The accompanying brief in support sets forth in greater detail the factual and legal bases for this motion.

The undersigned certifies compliance with the pre-filing conference requirement of Local Rule 7.1(a) by seeking concurrence in the relief requested on this motion from Plaintiff. Plaintiff did not concur.

WHEREFORE, Defendant City of Detroit respectfully requests that the Court grant its Motion for Summary Judgment and dismiss Plaintiff's Complaint in its entirety.

Respectfully submitted,

CITY OF DETROIT LAW DEPARTMENT

By: /s/ Jason T. McFarlane (P73105)
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Dated: January 13, 2023

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**BRIEF IN SUPPORT
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

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INTRODUCTION

On November 5, 2020, Plaintiff filed the instant lawsuit alleging that Defendant retaliated against him in violation of Title VII and the ELCRA.

On February 1, 2021, Defendant filed a Motion for Judgment on the Pleadings. Plaintiff filed a response on March 22, 2021. Defendant filed its Reply on April 1, 2021. The hearing on the Motion was held on August 4, 2021.

The Court denied the Defendant's Motion for Judgment on the Pleadings without prejudice. Specifically, this Court held that the parties were to submit additional briefing on the issue of exhaustion pending a short period of discovery on the issue. **(Dkt. #13)**.

Defendant filed its Renewed Motion for Judgment on the Pleadings as Plaintiff failed to exhaust his administrative remedies where he did not timely file an EEOC Charge. Further, the EEOC file that Defendant received via a FOIA request indicates that the intake questionnaire was never received nor acted upon by the EEOC and therefore, does not equate to the filing of an EEOC charge. **(Dkt. #16)**.

On April 8, 2022, this Court denied Defendant's Renewed Motion. **(Dkt. #20)**.

FACTS

In 1999, Plaintiff was hired by the Defendant City as an EMT and paramedic. During his employment with the City of Detroit, Plaintiff had a significant disciplinary history. Between October 2000 and December 11, 2011, Plaintiff had 13 disciplinary contacts. **Exhibit 1, Discipline Summary**. On March 1, 2012, then Chief Jerald James sent a letter to then 2nd

Deputy Commissioner Sydney Zack, concerning Plaintiff's work behavior. **Exhibit 2.** Plaintiff had additional disciplinary contacts in February 2013. **Exhibit 3.**

In May of 2009, Plaintiff joined three other employees of the Defendant City Fire Department in a lawsuit against Defendant City for violations of Michigan's ELCRA. Plaintiff's allegations in the 2009 lawsuit asserted that he had not been given any meaningful opportunity to receive a promotion and was passed over for promotions based on his race and ethnicity. (**McCraken, Thomas et al. v City of Detroit et al. 09-010633-CZ**)

On June 3, 2013, Plaintiff resigned from the City of Detroit. **Exhibit 4, Resignation.** Plaintiff indicated that the reason for resignation was retirement. The resignation form contains additional sections to be filled out by HR and Plaintiff's Supervisor. On June 10, 2013, Anthony Wade and Jerald James completed the supervisor section and further indicated that they did not recommend Plaintiff for reinstatement due to pending discipline and poor work performance. On September 16, 2013, Brandi Richmon, Human Resources, concurred with the supervisor's recommendation.

On July 18, 2013, the City of Detroit filed bankruptcy. On February 4, 2014, Plaintiff filed bankruptcy claim #682 with the United States Bankruptcy Court, Eastern District of Michigan. **Exhibit 5.** In late 2014, the City filed its *Eighth Amended Plan of Adjustment* which was confirmed and subsequently became effective on December 10, 2014 ("Effective Date"). Any claims that arose on or before the Effective Date were discharged by the plan. Further,

on June 8, 2017, the City of Detroit filed a Motion to disallow or expunge Plaintiff's claim. On June 27, 2017, Plaintiff's claim was disallowed and expunged. **Exhibit 6.**

Around November 2017, Plaintiff applied for employment with the City of Detroit as an Emergency Medical Technician (Paramedic). Plaintiff submitted an application and resumé. **Exhibit 7 and 8.**

On December 4, 2017, Plaintiff was sent a letter indicating that he was scheduled to take a Physical Agility Test (PAT). **Exhibit 9.** On December 19, 2017, Plaintiff was sent a conditional offer letter. **Exhibit 10.** On January 13, 2018, Plaintiff was sent a letter indicating that he was no longer considered for the position. **Exhibit 11.**

Plaintiff's Conversations with Belinda Brown

During his deposition, Plaintiff testified to the following interactions with Belinda Brown. **Exhibit 12, Plaintiff's Deposition pp 20-23.** He further testified that the below discussions were the only discussions that he had with Ms. Brown. **Exhibit 12, Plaintiff's Deposition p 23, lines 23-25.**

- After the process was completed, he received a text message or email from Ms. Brown that he was offered the position and upon accepting it, he could resign from his current employment. **Exhibit 12, Plaintiff's Deposition p 20, lines 20-25.**
- After he was informed that the City was withdrawing its offer, he spoke with Ms. Brown over the phone and she stated that they would have to withdraw the position because they reviewed his employee file and that it stated that he was discharged and placed

on a do not rehire list. **Exhibit 12, Plaintiff's Deposition p 21, lines 20-25 and p 22, line 1.**

- That during the PAT test, she informed him that his service record would weigh heavily on his return.

Plaintiff prepared an intake questionnaire with the EEOC on October 24, 2018. On August 22, 2019, Plaintiff filed an EEOC Charge alleging that when he called to ask about why the offer was rescinded, he was told that he was on a do not hire list. **Exhibit 13.** Plaintiff received a right to sue letter on August 6, 2020. Plaintiff's EEOC charge alleged:

"I was previously employed by the above-named employer from 1998 through 2013.

While I was employed, I made internal complaints regarding discrimination. Most recently, in November of 2017 I applied to an open position of Paramedic. On December 19, 2017, I was offered the Paramedic position and began training. However, on approximately January 13, 2018 the employer rescinded the offer. When I called to ask for the reason, I was told that I'm allegedly on a non-rehire list.

I believe that I was denied re-hire in retaliation for complaining and based on my race and National Origin (Middle Eastern), in violation of Title VII of the Civil Rights Act of 1964, as amended."

Plaintiff's Complaint presents two counts: Count I Retaliation in Violation of Title VII of the Civil Rights Act of 1964, Count II alleges Retaliation in Violation of the Elliot Larsen Civil Rights Act. **(Dkt. #1).**

STANDARD OF REVIEW

Summary judgment is proper when the movant “shows that there is no genuine dispute as to any material fact, and that the movant is entitled to judgment as a matter of law.” *U.S. SEC v. Sierra Brokerage Services, Inc.*, 712 F.3d 321, 326–27 (6th Cir.2013) (citing *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 251–52, 106 S.Ct. 2505, 91 L.Ed.2d 202 (1986)) (quotations omitted). When reviewing the record, “the court must view the evidence in the light most favorable to the nonmoving party and draw all reasonable inferences in its favor.” *Id.* Furthermore, the “substantive law will identify which facts are material, and summary judgment will not lie if the dispute about a material fact is ‘genuine,’ that is, if the evidence is such that a reasonable jury could return a verdict for the nonmoving party.” *Id.*

When considering the material facts on the record, a court must bear in mind that “[t]he mere existence of a scintilla of evidence in support of the plaintiff’s position will be insufficient; there must be evidence on which the jury could reasonably find for the plaintiff.” *Anderson*, 477 U.S. at 252, 106 S.Ct. 2505. Moreover, “[i]n order to survive a motion for summary judgment, the non-moving party must be able to show ‘sufficient probative evidence [that] would permit a finding in [their] favor on more than mere speculation, conjecture, or fantasy.’” *Arendale v. City of Memphis*, 519 F.3d 587, 605 (6th Cir.2008) (citing and quoting *Lewis v. Philip Morris Inc.*, 355 F.3d 515, 533 (6th Cir.2004)).

ARGUMENT

I. Plaintiff Has Failed to State a Claim Under TITLE VII or ELCRA.

Plaintiff must demonstrate four elements to establish a prima facie case of retaliation under both Title VII and Michigan's Elliot-Larsen Civil Rights Act (ELCRA): "(1) he engaged in activity protected by Title VII; (2) his exercise of such protected activity was known by the defendant; (3) thereafter, the defendant took an action that was 'materially adverse' to the plaintiff; and (4) a causal connection existed between the protected activity and the materially adverse action." *Laster*, 746 F.3d at 730 (quoting *Jones v. Johanns*, 264 F. App'x 463, 466 (6th Cir. 2007)).

Assuming arguendo that Plaintiff is able to establish that he engaged in activity and that he was subject to a materially adverse action, i.e. was not rehired, he still has not established that the decisionmakers knew about his alleged protected activity nor has Plaintiff established a causal connection between the protected activity and the decision not to rehire Plaintiff.

Plaintiff alleged in his Complaint that he was told by Belinda Brown that he was not eligible to work for Defendant because of his participation in his previous anti-discrimination lawsuit against Defendant and its fire Department. (**Dkt #1, p 4, paragraph 18.**) This allegation is not supported by any evidence.

In fact, Plaintiff's EEOC charge and his testimony at his deposition directly contradict this allegation.

Plaintiff's EEOC charge stated: "When I called to ask for the reason, I was told that I'm allegedly on a non-rehire list." Plaintiff made no allegation that he was told that it was because of a previous anti-discrimination lawsuit.

As detailed above, when asked about his conversations with Belinda Brown, Plaintiff testified that:

- "I called her and she stated that they would have to withdraw their offer of position of paramedic with the City of Detroit Fire Department." **Exhibit 12, Plaintiff's Deposition p 21, lines 20-22 line 20-22.**
- "She stated that apparently they reviewed my employee file and that it stated that I was discharged and placed on a Do Not Rehire List." **Exhibit 12, Plaintiff's Deposition p 21, lines 24-25 and p 22 line 1.**

He further testified that other than the discussions on pages 19-23 of his deposition, Plaintiff had no other discussions with Ms. Brown. **Exhibit 12, Plaintiff's Deposition p 23, lines 23-25.**

With the exception of the mention of a discharge, this is consistent with the documentary evidence in this case. Plaintiff's Resignation and Recommendation for Reinstatement form indicates that he was a do not hire because of pending discipline and poor work behavior. **Exhibit 4.**

Further, email exchanges between Sean Larkins, Superintendent of EMS, Kemia Crosson and Belinda Brown support that Plaintiff were not recommended for reinstatement.

On January 12, 2018 the following exchange occurred:

- Larkins sent an email to Crosson asking: "This former employee is not a rehire, correct? **Exhibit 14.**
- Brown responded: There are two former employees: Richard Cadoura and Nicholas Collingsworth. I just received their personnel file and they are both not recommended for reinstatement. **Exhibit 14.**

On March 25, 2020, in an email to Tara Brin, Kemia Crosson explained the following:

"The employee file on Richard Cadoura indicates he is a Do Not Rehire. There are not any additional files at EMS that states otherwise or claims of discrimination from HR. Anyone can apply for a position. However, once the file is pulled and indicates the person does not have a recommendation for reinstatement, the department who completed the form are not obligated to accept/hire the person back into the department. Richard Cadoura can work for any other department except Fire. If you have any other questions, or need further clarification do not hesitate to contact me at 313-410-0668." **Exhibit 15.**

When asked for further clarification on the reason for the do not hire, Crosson stated:

"In his resignation paperwork, it stated that he would not be reinstated because of pending discipline and poor work behavior." **Exhibit 16.**

a. Plaintiff cannot establish that his protected activity was known to the decisionmakers nor that

Plaintiff has not offered any evidence that the above individuals knew about his prior lawsuit let alone the contents of the lawsuit. In fact, Belinda Brown did not begin working at the City of Detroit until October 2016, more than 7 years after the lawsuit and more than 3

years after Plaintiff resigned. Similarly, Kemia Crosson did not begin employment with the City of Detroit until October 2013, after Plaintiff's resignation.

Ms. Brown further testified that she did not have knowledge Plaintiff's prior lawsuits.

Exhibit 17, Brown Deposition, pp 24, 25.

Therefore, Plaintiff has failed to establish a prima facie case of retaliation under either Title VII or ELCRA and his claims should be dismissed.

b. Plaintiff has not established a causal connection between the alleged protected activity and the decision not to rehire Plaintiff.

To prove causation in a Title VII retaliation case, a plaintiff must show that the employee's protected activity was a "but for" cause of the employer's adverse action against her, meaning the adverse action would not have occurred absent the employer's desire to retaliate. *Univ. of Tex. Sw. Med. Ctr. v. Nassar*, 570 U.S. 338, 352, 360, 133 S.Ct. 2517, 186 L.Ed.2d 503 (2013). In other words, "a plaintiff must produce sufficient evidence from which an inference could be drawn that the adverse action would not have been taken had the plaintiff not filed a discrimination action" or otherwise engaged in protected activity. *Nguyen v. City of Cleveland*, 229 F.3d 559, 563 (6th Cir. 2000).

Plaintiff has not shown that he would have been rehired if it wasn't for the City's desire to retaliate. As shown above, the reason for the decision not to rehire Plaintiff is clear. Plaintiff resigned and was not recommended for rehire because of pending discipline and poor work behavior, which is supported by his disciplinary records.

Further, Plaintiff's testimony and the above communications show that the reasons for not hiring Plaintiff was the do not hire recommendation. There is no evidence that the decision makers knew of the alleged protected activity nor that it was considered in the decision not to rehire.

Therefore, Plaintiff has failed to establish a prima facie case of retaliation under either Title VII or ELCRA and his claims should be dismissed.

c. Defendants have proffered a Legitimate non-retaliatory reason for its actions.

Assuming arguendo that Plaintiff can establish a prima facie case of retaliation, Defendants have proffered a legitimate non-retaliatory reason for its actions.

If Plaintiff succeeds in establishing her prima facie case, a presumption of unlawful retaliation arises, and the burden shifts to Defendant to produce a legitimate, non-retaliatory reason for its action. *Id.* If Defendant is able to produce such a reason, the burden shifts back to Plaintiff to show that Defendant's reason was not the true reason for the adverse action and was merely pretextual. *Id.* Despite the shifting burdens of the *McDonnell Douglas* framework, Plaintiff always bears the ultimate burden of persuasion. [Laster, 746 F.3d at 731](#).

Defendants have proffered a legitimate non-retaliatory reason for the decision not to rehire Plaintiff as it is clear from Plaintiff's file that he was not recommended for rehire due to pending discipline and poor work performance. Therefore, the burden shifts back to Plaintiff to show pretext.

d. Plaintiff is unable to demonstrate pretext.

There are three ways Plaintiff can demonstrate pretext. She can show that Defendant's stated reasons: (1) have no basis in fact; (2) were not the actual reason for the termination; or (3) are insufficient to warrant the challenged conduct. *Michael v. Caterpillar Financial Services Corp.*, 496 F.3d 584, 597 (6th Cir.2007).

Plaintiff is unable to establish that the Defendant's proffered reason for the decision to not rehire Plaintiff is pretext. There is nothing in the record that contests that Plaintiff resigned in 2013 and based on the recommendation of Jerald James and the concurrence by Human Resources, Plaintiff was not recommended for reinstatement.

Plaintiff is unable to establish that Defendants proffered reason is not based in fact, that it was not the actual reason for the decision to not rehire, nor can he show that the reason is insufficient not to rehire Plaintiff. Plaintiff has not shown that he was not rehired because of the prior recommendation against reinstatement.

Plaintiff has not provided evidence from which a reasonable jury could find that Defendant's proffered legitimate reason for the decision not to rehire Plaintiff are actually a pretext for retaliation.

Therefore, Plaintiff has failed to establish that Defendant's legitimate non-retaliatory reason for the decision not to rehire Plaintiff was pretext and his claims should be dismissed.

CONCLUSION

Plaintiff's Complaint should be dismissed in its entirety and with prejudice.

Respectfully submitted,

CITY OF DETROIT LAW DEPARTMENT

By: /s/ Jason T. McFarlane
JASON T. MCFARLANE (P73105)
Attorney for Defendant
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Detroit, MI 48226
(313) 237-0548
mcfaj@detroitmi.gov

Dated: January 13, 2023

CERTIFICATION PURSUANT TO L.R. 7.1

LOCAL RULE CERTIFICATION: I, Jason McFarlane, certify that this document complies with Local Rule 5.1 (a), including: double-spaced (except for quoted materials and footnotes); at least one-inch margins on the top, sides, and bottom; consecutive page numbering; and type size of all text and footnotes that is no smaller than 10-1/2 characters per inch (for non-proportional fonts) or 14 point (for proportional fonts). I also certify that it is the appropriate length. Local Rule 7.1 (d)(3).

/s/ Jason McFarlane
Jason McFarlane

CERTIFICATE OF SERVICE

I hereby certify that on January 13, 2023, I caused to have electronically filed **Defendant's Motion for Summary Judgment, Brief in Support of Motion, Exhibits 1-17 and Certificate of Service** with the Clerk of the Court using the E-file & Serve system, which will serve a copy of such filing via email to all attorneys of record.

/s/Myria Ross

**UNITED STATES DISTRICT COURT
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DEFENDANT'S LIST OF EXHIBITS

- Exhibit 1 - Plaintiff Discipline Summary
- Exhibit 2 - Chief Jerald James letter to 2nd Deputy Commissioner Sydney Zack
- Exhibit 3 - Plaintiff February 2013 Disciplinary Contacts
- Exhibit 4 - Plaintiff Resignation
- Exhibit 5 - Plaintiff Bankruptcy Claim #682
- Exhibit 6 - Order Disallowing and Expunging Plaintiff Bankruptcy Claim #682

- Exhibit 7 - Plaintiff November 2017 Emergency Medical Technician Application
- Exhibit 8 - Plaintiff Résumé
- Exhibit 9 - December 4, 2017 Physical Agility Test Letter
- Exhibit 10 - December 19, 2017 Conditional Offer Letter
- Exhibit 11 - January 13, 2018 City of Detroit Letter to Plaintiff
- Exhibit 12 - Plaintiff's Deposition
- Exhibit 13 - Plaintiff August 22, 2019 EEOC Charge
- Exhibit 14 - Larkins email to Crosson
- Exhibit 15 - Kemia Crosson email to Tara Brin
- Exhibit 16 - Kemia Crosson email to Lesa Kent
- Exhibit 17 - Brown Deposition

Detroit Fire Department

Emergency Medical Service Division

Summary of Conduct

page 1

Last Cadoura First Richard Badge 602 Pension Number [REDACTED] AppDate 6-8-98

EMMT _____ AEMMT _____

COMMENDATIONS

Date	Description	Type of commendation

DISCIPLINARY ACTION

Date	Description	G.R. or P.D.	Action Taken
7-8-00	Operating Apparatus ^{OVERLOOKED TB}	P.D. 15.4.46	6 hrs. Suspension ^{TB Requested}
10-8-00	Policies ^{Took Keys Home}	P.D. 15.4.8	charge Dismissed
1-6-01	Lost Equipment (Prep)	PD 15.4.31	12 hrs. Suspension
1-6-01	Obedience TB	GR 5.4	3 Day Suspension
3-13-09	Lost Safety Equip	PD 15.4.31	Written Reprimand
2-24-10	Safe Operation of Vehicle ^{accident}	GR 15.4.50	Written Reprimand
4-8-10	INSUBORDINATION	GR 5.35	12 HR SUSPENSION (YAC)
9-8-10	INSUBORDINATION	GR 5.35	12 HOUR SUSPENSION - expunged
10-22-10	INSUBORDINATION	GR 5.35	12 HOUR SUSPENSION - expunged
10-22-10	IMPROPER HANDLING SICK / INJURED	PD 15.4.10	34 HOUR SUSPENSION - expunged
3-15-11	DISOBEDIENCE OF RULES / DIRECTIVES	GR 5.26	12 HOUR SUSPENSION
12-12-11	CONDUCT	GR 5.1	12 HOUR SUSPENSION
12-14-11	INSUBORDINATION	GR 5.35	48 HOUR SUSPENSION - 12 hrs. back pay

printed 3/27/09

To: Sydney Zack
2nd Deputy Commissioner

From: Jerald James, Chief
Superintendent EMSD

Date: March 1, 2012

Re: **EMPLOYEE WORK BEHAVIOR**

I am requesting assistance relative to the proper handling of current EMT Richard Cadoura. This employee has continuously displayed his refusal to comply with standing policies as well as not be receptive to direction from supervisory staff.

Upon reviewing this employees, since 2010, disciplinary file it reveals the following;

Charge	Disciplinary Action	Outcome
Insubordination 9/8/10 (refused to comply with directive from supervisor relative to proper wearing of the uniform)	12 hour suspension	Expunged trialboard not scheduled
Insubordination 10/28/10 (failing to comply with uniform policy)	12 hour suspension	Expunged trialboard not scheduled
10/22/10 Improper Patient Care (failed to properly treat a patient)	36 hour suspension	Expunged trialboard not scheduled
Disobedience of Rules 3/15/12 (failed to inspect rig, resulted in responding to run without proper equipment)	12 hour suspension	Awaiting trialboard
Conduct 12/12/11(told a supervisor to fuck off)	12 hour suspension	Awaiting trialboard
Insubordination 12/12/11 (failed to adhere to order)	48 hour suspension	Awaiting trailboard

"One Team"

relative to uniform)		
----------------------	--	--

I have been contacted multiple times by several supervisors, over the past several months, requesting assistance relative to dealing with this employee. He is openly defiant to any direction from supervision. As of this writing there are several sets of charges that have been submitted or recommended for this employee as well.

:JKJ

Enclosure

"One Team"

OFFICIAL DETROIT FIRE DEPARTMENT-CHARGE**TO: EXECUTIVE FIRE COMMISSIONER****DATE: 2/13/2013**

NAME

RANK

BADGE NO.

DIVISION / BATTALION / COMPANY

Richard Cadoura

EMT

608

EMS / Nights One / Medic 19

CHARGE: General Rule 5.29b: Disobedience of Rules and/or Directives

That he, EMT Richard Cadoura, assigned to Medic 19 on 02/13/2013 did fail to notify Central Office of his absence due to illness two hours prior to the start of his assigned shift beginning at 07:00 hrs. Specifically, EMT Cadoura did not contact Central Office until 17:51 hrs for notification of absence due to illness.

This being a direct violation of General Rule 5.29b: Disobedience of Rules or Directives

WITNESSES:

Central Office Off-Duty ReportA/Capt. Donnella James
A/Capt. Donnella James

Preferred by

Name / Rank

EMS / Field Operations / Nights One

Division / Battalion / Company

L.W.O.P.P.C.A.

Reason:

From: _____ Hrs. To: _____ Hrs. Date: _____ To Date: _____

Total Hours Deducted From Pay

Verified by:

Name / Rank

Pending Action For The Above Charges

Division / Battalion / Company

EMS ADMINISTRATION

To: Richard CadouraEMTEMS / Nights One / Medic 1902-26-2013

Name

Rank

Division / Battalion / Company

Notification Date

Is To Appear Before:

Hearing Officer

At:

2000

Hrs.

On:

2/27/13
Date

At:

EMS Headquarters

Location

To Answer The Above Charges

Received by:

Richard to Sign
Signature of Charge

Notifying Superior

A/Capt. James
Signature

DISTRIBUTION: DIVISION HEAD / BATTALION CHIEF

COMPANY

ADMINISTRATION

PAYROLL

CIVIL SERVICE

UNION

MEMBER

400-CH

(Revised 10-21-99)

DATABASE

City of Detroit

NOTICE OF RESIGNATION**EVALUATION AND RECOMMENDATION FOR REINSTATEMENT****1. EMPLOYEE**

DEPARTMENT FIRE DIVISION EMS
 I, RICHARD CADOURA, S.S. # [REDACTED] hereby tender
 my resignation as EMT title for the following reason(s): RETIREMENT

My last day of work will be 7 6 Additional comments: _____
 day date

Forwarding Address (either home or work): [REDACTED]

[Signature]
 (signature)

6-3-13
 (date)

2. HUMAN RESOURCES DEPARTMENT, EMPLOYEE SERVICES DIVISION**DISCIPLINARY ACTION - LAST 18 MONTHS**

Number of Written Reprimands: 1

Number of Suspensions: 1

Reason(s) for Reprimand: Conduct

Reason(s) for Suspension: Conduct

ATTENDANCE AND TARDINESS RECORD - LAST 18 MONTHS

<u>15</u> Paid Sick Leave	<u>10</u> Occurrences	___ Beginning of Shift
___ Absent /No Pay	Occurrences	___ Return from Lunch
___ Dept. Leave	Occurrences	
___ A.W.O.L.	Occurrences	
___ Workers Compensation	Occurrences	
___ Funeral Leave.	Occurrences	
___ FMLA	Occurrences	
___ Other	Occurrences	
<u>15</u> Total Days Absent	<u>10</u> Total Absence Occurrences	___ Total Times Tardy

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Notice of Resignation
 Effective 04/09/03

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FORM9087
 Rev 6

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3. SUPERVISOR**ATTENDANCE AND TARDINESS RECORD**☐ Satisfactory☒ Needs Improvement☐ Unsatisfactory

Comments: _____

WORK PERFORMANCE

	EE	ME	NI	UN	
Overall ability to perform:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	EE-Exceeds Expectations NI-Needs Improvement ME-Meets Expectations UN-Unsatisfactory
Quality of work:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Quantity of work:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Knowledge & Skills:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Technical Knowledge:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Practical Skills:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Ability to learn:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Work Behavior:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Supervisory Abilities:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> (N/A)

DEPARTMENTAL RECOMMENDATIONREINSTATEMENT: ☐ Yes ☒ No

Date: _____

Completed by: Anthony M. Webb Title: Admin LtApproved by: DEBRA D. JAMES Title: EMS. SuptApproved Date: 6/10/13 Comments (If reinstatement is NOT recommended, state reason): _____Pending discipline for work behavior.**EXIT INTERVIEW(S) CONDUCTED BY:**Date of Interview: 6/10/13 Name: Anthony M. Webb Title: Admin Lt

COMMENTS: _____

Date of Interview: _____ Name: _____ Title: _____

COMMENTS: _____

Reinstatement is governed by Human Resources Rule 15. To be eligible for Reinstatement, the applicant must have at least one year of prior service and resigned in good standing. Applications for reinstatement will be accepted for a period between three (3) months and twenty-four (24) months following the last day on the active payroll.

4. HUMAN RESOURCES DEPARTMENT, EMPLOYEE SERVICES DIVISION

Last Day Worked: 04/03/13 Last Day Paid: 04/03/13 City Seniority Date: 06/08/98

Effective Date of Resignation: 06/04/13 (in accordance with Human Resources Rule 15)

The Human Resources Department ☒ concurs ☐ does NOT concur with the Reinstatement

Recommendation of the employing department:

Brandi' Richmond Date: 9/16/13

HRC Printed Name

Signature

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Notice of Resignation
Effective 04/09/03

Page 5

FORM9057
Rev 6

13-53846-tjt Doc 13713-6 Filed 08/04/23 Entered 08/04/23 10:44:20 Page 28 of 119

B10 (Official Form 10) (04/13)

UNITED STATES BANKRUPTCY COURT <i>Eastern District of Michigan</i>		PROOF OF CLAIM RECEIVED FEB 04 2014 KURTZMAN CARSON CONSULTANT U.S. BANKRUPTCY COURT E.D. MICHIGAN 2014 COURT USE ONLY FILED			
Name of Debtor: <i>City of Detroit, MI</i>	Case Number: <i>Chapter 9</i> <i>13-53846</i>	<input type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____ <input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.			
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.					
Name of Creditor (the person or other entity to whom the debtor owes money or property): <i>Richard Cadoura</i>					
Name and address where notices should be sent: <i>Elias Muawad, Esq.</i> <i>Law Offices of Elias Muawad, PC</i> <i>36700 Woodward Ave, Ste 209</i> <i>Bloomfield Hills, MI 48304</i> Telephone number: <i>248-594-4700</i> email: <i>elias@muawadpc.com</i>		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.			
Name and address where payment should be sent (if different from above): Telephone number: _____ email: _____					
1. Amount of Claim as of Date Case Filed: \$ <u><i>100,000</i></u> If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.					
2. Basis for Claim: <u><i>See attached Complaint</i></u> (See instruction #2)					
3. Last four digits of any number by which creditor identifies debtor: <i>0633</i>	3a. Debtor may have scheduled account as: _____ (See instruction #3a)	3b. Uniform Claim Identifier (optional): _____ (See instruction #3b) Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ _____ Basis for perfection: _____ Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____			
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information. Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: _____ Value of Property: \$ _____ Annual Interest Rate _____ % <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable (when case was filed)					
5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507 (a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount. <table style="width: 100%;"> <tr> <td style="width: 33%; vertical-align: top;"> <input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507 (a)(7). </td> <td style="width: 33%; vertical-align: top;"> <input type="checkbox"/> Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. § 507 (a)(4). <input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8). </td> <td style="width: 33%; vertical-align: top;"> <input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5). <input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)(____). </td> </tr> </table> Amount entitled to priority: \$ _____ *Amounts are subject to adjustment on 4/01/16 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.			<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507 (a)(7).	<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. § 507 (a)(4). <input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).	<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5). <input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)(____).
<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507 (a)(7).	<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. § 507 (a)(4). <input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).	<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5). <input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)(____).			
6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)					

B10 (Official Form 10) (04/13)

2

7. Documents: Attached are **redacted** copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). If the claim is secured, box 4 has been completed, and **redacted** copies of documents providing evidence of perfection of a security interest are attached. If the claim is secured by the debtor's principal residence, the Mortgage Proof of Claim Attachment is being filed with this claim. (See instruction #7, and the definition of "redacted".)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

RECEIVED

FEB 04 2014

8. Signature: (See instruction #8)

Check the appropriate box.

☐ I am the creditor. ☒ I am the creditor's authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. (See Bankruptcy Rule 3004.)

☐ I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.)

KURTZMAN CARSON CONSULTANT

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: Elias Muawad
 Title: Attorney
 Company: Law Office of Elias Muawad, PC
 Address and telephone number (if different from notice address above):
Same as above

(Signature)

(Date)

Telephone number: _____ email: _____

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply.

Items to be completed in Proof of Claim form**Court, Name of Debtor, and Case Number:**

Fill in the federal judicial district in which the bankruptcy case was filed (for example, Central District of California), the debtor's full name, and the case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is at the top of the notice.

Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to the claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

3a. Debtor May Have Scheduled Account As:

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

3b. Uniform Claim Identifier:

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

4. Secured Claim:

Check whether the claim is fully or partially secured. Skip this section if the

claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien documentation, and state, as of the date of the bankruptcy filing, the annual interest rate (and whether it is fixed or variable), and the amount past due on the claim.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507 (a).

If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

6. Credits:

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

7. Documents:

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest and documents required by FRBP 3001(c) for claims based on an open-end or revolving consumer credit agreement or secured by a security interest in the debtor's principal residence. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

8. Date and Signature:

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

THOMAS McCRACKEN, RICHARD CADOURA,
MICHAEL KEARNS and MICHAEL CHRISTY,

Plaintiffs,

v.

MCCRACKEN, THOMAS , et al. v DETR
Hon. Prentis Edwards 05/04/2009



09-010633-CZ

CITY OF DETROIT, a Michigan municipal
corporation; TYRONE C. SCOTT, Executive Fire
Commissioner of the Detroit Fire Department;
SETH R. DOYLE, III, Deputy Fire Commissioner
of the Detroit Fire Department; CHERYL A.
CAMPBELL, 2nd Deputy Fire Commissioner
of the Detroit Fire Department; GARY N. KELLY,
Chief Superintendent of EMS, Detroit Fire Department;
jointly and severally,

Defendants.

Norman Yatooma & Associates, P.C.
By: Robert S. Zawideh (P43787)
Attorneys for Plaintiff
219 Elm Street
Birmingham, Michigan 48009
(248) 642-3600

City of Detroit Law Department
By: Andrew Jarvis (P59191)
Attorneys for Defendants
660 Woodward Avenue, Suite 1650
Detroit, Michigan 48226
(313) 237-5038

*There is no other pending or resolved civil action arising out of
the transaction or occurrence alleged in the complaint.*

FIRST AMENDED COMPLAINT AND DEMAND FOR TRIAL BY JURY

NOW COME the Plaintiffs, THOMAS McCRACKEN, RICHARD CADOURA,
MICHAEL KEARNS, and MICHAEL CHRISTY ("Plaintiffs"), by and through their
attorneys, NORMAN YATOOMA & ASSOCIATES, P.C., and in support of their
Complaint against the CITY OF DETROIT ("DETROIT"), TYRONE C. SCOTT
("SCOTT"), SETH R. DOYLE, III ("DOYLE"), CHERYL A. CAMPBELL
("CAMPBELL"), and GARY N. KELLY ("KELLY"), states the following:

1. This is an action for reverse discrimination pursuant to the Michigan Elliott-Larsen Civil Rights Act ("ELCRA"), MCL 37.2101 et seq., and the common law of the State of Michigan.

2. Plaintiff THOMAS McCracken is a resident of the City of Detroit, in the County of Wayne and State of Michigan.

3. Plaintiff RICHARD CADOURA is a resident of Garden City, in the County of Wayne and State of Michigan.

4. Plaintiff MICHAEL KEARNS is a resident of Clinton Township, in the County of Macomb and State of Michigan.

5. Plaintiff MICHAEL CHRISTY is a resident of the Township of China, in the County of St. Clair and State of Michigan.

6. Defendant DETROIT is a Michigan municipal corporation whose headquarters and principal place of business are located in the City of Detroit, in Wayne County, Michigan.

7. By information and belief, Defendant SCOTT is the Executive Fire Commissioner of Defendant DETROIT's Fire Department and is a resident of Wayne County, Michigan.

8. By information and belief, Defendant DOYLE is the Deputy Fire Commissioner of Defendant DETROIT's Fire Department and is a resident of Wayne County, Michigan.

9. By information and belief, Defendant CAMPBELL is the 2nd Deputy Fire Commissioner of Defendant DETROIT's Fire Department and is a resident of Wayne County, Michigan.

10. By information and belief, Defendant KELLY is the Chief Superintendent of EMS, of Defendant DETROIT's Fire Department and is a resident of Wayne County, Michigan.

11. The events giving rise to this cause of action occurred in Wayne County, Michigan.

12. This court has subject matter jurisdiction over this action and venue is otherwise proper in this Court because the amount in controversy exceeds \$25,000, exclusive of interest, costs, and attorney fees, and actions alleging a violation of ELCRA may be brought in the circuit court for the county where the alleged violation occurred, or for the county where the person against whom the civil complaint is filed resides or has his principal place of business. MCL 37.2801(2).

Background Facts

13. All of the Plaintiffs are long standing white employees of the Emergency Medical Services (EMS) division of the City of Detroit Fire Department.

14. Plaintiff THOMAS McCRACKEN ("McCRACKEN") has been employed first as an Emergency Medical Technician and then as a Paramedic with Detroit EMS for almost nineteen (19) years. In April of 2007, he was promoted to Lieutenant, but was subsequently demoted back to the field without either explanation or evaluation of his performance.

15. Plaintiff RICHARD CADOURA ("CADOURA") has been an Emergency Medical Technician with Detroit EMS since 1999. Despite being qualified for the position, Defendants have refused to allow CADOURA to meaningfully test for a promotion to Paramedic, despite repeated requests by CADOURA.

16. Plaintiff MICHAEL KEARNS ("KEARNS") has been a Lieutenant / Assistant Field Supervisor, Grade 2, for the Detroit Fire Department, EMS Division, for the past seventeen (17) years. Prior to this position, he was an EMT Specialist for 5 years, the last two of which he was an EMS instructor.

17. Plaintiff MICHAEL CHRISTY ("CHRISTY") has been a Lieutenant / Assistant Field Supervisor, Grade 2, for the Detroit Fire Department, EMS Division, since 2005. Prior to this position, he was an EMT Specialist for 16 years. From 1995 to 1999, CHRISTY also served as a Director of Operations for SEMEMSA.

KEARNS AND CHRISTY-UNLAWFUL FAILURE TO PROMOTE

18. Within the past three years, both KEARNS and CHRISTY applied for the position of EMS Supervisor, within the City of Detroit Fire Department.

19. Both KEARNS and CHRISTY timely and appropriately completed all of the steps needed to be considered for the position.

20. Neither KEARNS nor CHRISTY obtained the position.

21. The position was awarded to an African-American with less seniority, experience and qualifications than KEARNS and CHRISTY.

22. Defendants have failed and refused to produce test results or other information on which they based their decision to pass over KEARNS and CHRISTY for promotion.

CADOURA-UNLAWFUL FAILURE TO PROMOTE

23. In fall of 2008, CADOURA applied for a promotion to the position of Paramedic within the City of Detroit Fire Department.

24. CADOURA timely and appropriately completed all of the steps needed to be considered for the position.

25. CADOURA did not obtain the position.

26. African-American employees with less seniority, experience and qualifications than CADOURA have been promoted to the position of Paramedic within Detroit EMS.

McCRACKEN-UNLAWFUL DEMOTION

27. In April of 2007, McCRACKEN was promoted to Lieutenant, but was subsequently demoted back to the rank of Paramedic without either explanation or evaluation of his performance.

28. McCRACKEN's former position of Lieutenant has since been filled by an African-American employee with less seniority, experience and qualifications than McCRACKEN.

HOSTILE ENVIRONMENT ON ACCOUNT OF RACE – ALL PLAINTIFFS

29. Throughout the course of their respective employment Plaintiffs were regularly harassed on account of their race by Defendants, as well as their employees and agents.

30. The harassment included frequent unwelcomed comments and conduct of an offensive and racial nature directed at each of the Plaintiffs.

31. Plaintiffs made complaints to several of their superiors on a number of occasions, but no action was taken and the harassment continued.

32. Plaintiffs' superiors are well aware of the offensive and racial nature directed of the conduct and comments directed not only at each of the Plaintiffs, but at all white or non-African American employees employed by the City of Detroit Fire Department. Not only do they take no action to put a halt to that unlawful conduct or communication, they themselves participate in it.

NORMAN YATOOMA & ASSOCIATES, P.C.

33. At all material times, Plaintiffs performed their job duties in a manner that was satisfactory or above.

COUNT I – FAILURE TO PROMOTE

34. Plaintiffs incorporate by reference paragraphs 1 through 33 as though fully stated to avoid repetition.

35. At all material times, Plaintiffs were employees, and Defendants were their employers, covered by and within the meaning of the Michigan Elliott-Larsen Civil Rights Act, MCL 37.2101 et seq.

36. Plaintiffs' race was at least one factor that made a difference in Defendants' decision not to promote or to demote Plaintiffs from the various positions described above.

37. Had Plaintiffs been African-Americans, they would not have suffered the adverse employment actions described herein.

38. Defendants, through their agents, representatives, and employees, were predisposed to discriminate on the basis of race and acted in accordance with that predisposition.

39. Defendants, through its agents, representatives, and employees, treated Plaintiffs differently from similarly situated African-American employees in the terms and conditions of employment, based on unlawful consideration of race.

40. Defendants' actions were intentional in disregard for Plaintiffs' rights and sensibilities.

41. As a direct and proximate result of Defendants' unlawful actions, each individual Plaintiff has sustained injuries and damages including, but not limited to, loss of earnings and earning capacity; loss of career opportunities; humiliation and

NORMAN YATOOMA & ASSOCIATES, P.C.

embarrassment; mental and emotional distress; and loss of the ordinary pleasures of everyday life, including the right to pursue gainful occupation of choice.

COUNT II – HOSTILE ENVIRONEMENT ON ACCOUNT OF RACE

42. Plaintiffs incorporate by reference paragraphs 1 through 41 as though fully stated to avoid repetition.

43. At all material times, Plaintiffs were employees, and Defendants were their employers, covered by and within the meaning of the Michigan Elliott-Larsen Civil Rights Act, MCL 37.2101 et seq.

44. Plaintiffs were harassed by Defendants, as well as their agents and employees throughout the course of their employment on account of their race.

45. This racial harassment has included, but is not limited to, unwelcomed comments and conduct of an offensive and racial nature directed at Plaintiffs and the creation of a hostile work environment.

46. This racial harassment has included, but is not limited to, singling out some or all of the Plaintiffs for discriminatory treatment on account of their race.

47. The actions of Defendants and their agents, representatives, and employees was intentional.

48. The conduct of Defendant's agents and employees in racially harassing Plaintiffs constitutes race discrimination in violation of MCL 37.2101 et seq.

49. As a direct and proximate result of Defendants' unlawful actions against Plaintiffs as described, Plaintiffs have suffered injuries and damages, including, but not limited to, potential loss of earnings and earning capacity; loss of career opportunities; loss of reputation and esteem in the community; mental and emotional distress; and loss of the ordinary pleasures of life.

WHEREFORE, EACH INDIVIDUAL PLAINTIFF REQUESTS that this court enter judgment against Defendants as follows:

- A. compensatory damages for each Plaintiff in whatever amount above \$25,000 he is found to be entitled;
- B. exemplary damages for each Plaintiff in whatever amount above \$25,000 he is found to be entitled;
- C. an award of lost wages and the value of fringe benefits, past and future for each Plaintiff;
- D. an award of interest, costs, and reasonable attorney fees for each Plaintiff;
- E. an order enjoining Defendants, their agents, representatives, and employees from further acts of discrimination or retaliation;
- F. an order awarding whatever other equitable relief appears appropriate at the time of final judgment.

Respectfully Submitted,



Norman Yatooma & Associates, P.C.

By: Robert S. Zawideh (P43787)

Attorney for Plaintiffs

219 Elm Street

Birmingham, Michigan 48009

(248) 642-3600

Dated: June 15, 2009

NORMAN YATOOMA & ASSOCIATES, P.C.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

THOMAS McCRACKEN, RICHARD CADOURA,
MICHAEL KEARNS and MICHAEL CHRISTY,

Plaintiffs,

v.

Case No.: 09-010633-CZ
Hon. Prentis Edwards

CITY OF DETROIT, a Michigan municipal
corporation; TYRONE C. SCOTT, Executive Fire
Commissioner of the Detroit Fire Department;
SETH R. DOYLE, III, Deputy Fire Commissioner
of the Detroit Fire Department; CHERYL A.
CAMPBELL, 2nd Deputy Fire Commissioner
of the Detroit Fire Department; GARY N. KELLY,
Chief Superintendent of EMS, Detroit Fire Department;
jointly and severally,

Defendants.

Norman Yatooma & Associates, P.C.
By: Robert S. Zawideh (P43787)
Attorneys for Plaintiff
219 Elm Street
Birmingham, Michigan 48009
(248) 642-3600

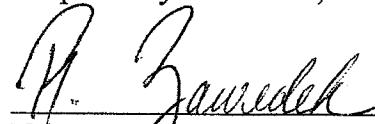
City of Detroit Law Department
By: Andrew Jarvis (P59191)
Attorneys for Defendants
660 Woodward Avenue, Suite 1650
Detroit, Michigan 48226
(313) 237-5038

RELIANCE ON DEMAND FOR TRIAL BY JURY

Plaintiffs hereby rely on the previously filed demand for trial by jury on all issues
that may be submitted to a jury.

Respectfully Submitted,

Dated: June 15, 2009



Norman Yatooma & Associates, P.C.
By: Robert S. Zawideh (P43787)
Attorneys for Plaintiffs
219 Elm Street
Birmingham, Michigan 48009
(248) 642-3600

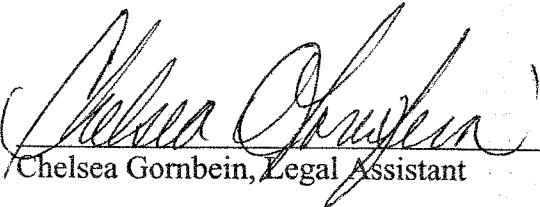
PROOF OF SERVICE

Chelsea Gornbein hereby certifies that on Monday, June 15, 2009, she served an Amended Complaint and this Proof of Service via First Class Mail to the following:

City of Detroit Law Department
By: Andrew Jarvis (P59191)
Attorneys for Defendants
660 Woodward Avenue, Suite 1650
Detroit, Michigan 48226
(313) 237-5038

The above statement and information is true to the best of my knowledge, information, and belief.

Dated: June 15, 2009


Chelsea Gornbein, Legal Assistant

NORMAN YATOOMA & ASSOCIATES, P.C.

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,
Debtor.

Case No. 13-53846

Judge Thomas J. Tucker

Chapter 9

**ORDER GRANTING CITY OF DETROIT’S MOTION UNDER THE
ORDER, PURSUANT TO SECTIONS 105 AND 502 OF THE
BANKRUPTCY CODE, APPROVING ALTERNATIVE DISPUTE
RESOLUTION PROCEDURES TO PROMOTE THE LIQUIDATION OF
CERTAIN PREPETITION CLAIMS AGAINST THOMAS MCCrackEN,
MICHAEL KEARNS, AND RICHARD CADOURA**

This case is before the Court on the motion entitled “*City of Detroit’s Motion Under the Order, Pursuant to Sections 105 and 502 of the Bankruptcy Code, Approving Alternative Dispute Resolution Procedures to Promote the Liquidation of Certain Prepetition Claims Against Thomas McCracken, Michael Kearns, and Richard Cadoura*” (Docket # 11901, the “Motion”). No timely response was filed to the Motion. The Court finds good cause to enter this Order.

IT IS ORDERED THAT:

1. The Motion is granted.
2. Claim numbers 682, 683, and 685 are disallowed and expunged.
3. The City's claims agent is authorized to update the claims register accordingly.

4. No later than June 28, 2017, counsel for the City must serve a copy of this Order upon Thomas McCracken, Michael Kearns, and Richard Cadoura, and file proof of such service.

Signed on June 27, 2017

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge

2017222403126xx - Paramedic (Detroit Fire Department)

Contact Information -- Person ID: 34342645

Name: Richard N. Cadoura Address: [REDACTED]
 Home Phone: [REDACTED] Alternate Phone: [REDACTED]
 Email: [REDACTED]

Personal Information

Driver's License: Yes, Class C
 Can you, after employment, submit proof of your legal right to work in the United States? Yes
 What is your highest level of education? Some College

Preferences

Minimum Compensation: \$20.00 per hour;
 Are you willing to relocate? Maybe
 Types of positions you will accept: Regular
 Types of work you will accept: Full Time
 Types of shifts you will accept: Day , Evening , Night , Rotating , Weekends

Objective**Education**

Professional Michigan Academy Emergency Services - New Boston, Michigan	Did you graduate: Yes Major/Minor: Degree Received: Certification
Professional Wayne County Community College - Taylor, Michigan	Did you graduate: No Major/Minor: Degree Received: Professional
College/University Schoolcraft College - Livonia, Michigan	Did you graduate: No Major/Minor: Para medicine Degree Received: Associate's

Work Experience

Firefighter Paramedic
 8/2015 - Present
 Hours worked per week: 40
 May we contact this employer?
 WOODHAVEN FIRE DEPARTMENT
 Woodhaven, Michigan

Duties

Respond to Emergency Medical Calls and initiate Basic Life Support or Advance Life Support to patients
 Medical treatment for patient 12 lead EKG's, IV's, Medications
 Respond to Fire Calls under direction of Incident Commander initiate suppression, ventilation, overhaul of fire.
 Hazmat operations

Monthly Fire and EMS training
Chief Michael Clark 734-675-4918

Firefighter Paramedic

4/2008 - Present

Hours worked per week: 40
May we contact this employer?

RIVERVIEW FIRE DEPARTMENT
Riverview, Michigan

Duties

Respond to Emergency Medical Calls and initiate Basic Life Support or Advance Life Support to patients

Medical treatment for patient 12 lead EKG's, IV's, Medications

Respond to Fire Calls under direction of Incident Commander initiate suppression, ventilation, overhaul of fire.

Hazmat Operations, Pump Operator

Deputy Chief Pool 734-281-4264

Paramedic FireFighter

12/2016 - Present

Hours worked per week: 36
Name of Supervisor: Chief Vack - 734-782-2500

May we contact this employer? Yes

Flat Rock Fire Department
25500 Gibraltar rd
Flat Rock, Michigan 48134
734-782-2500

Duties

Respond to Emergency Medical Calls and initiate Basic Life Support or Advance Life Support to patients Medical treatment for patient 12 lead EKG's, IV's, Medications Respond to Fire Calls under direction of Incident Commander initiate suppression, ventilation, overhaul of fire.

Weekly fire training

Paramedic

4/2017 - Present

Hours worked per week: 33
Name of Supervisor: Jennifer - Operations supervisor

May we contact this employer? Yes

DMCare express
6420 E Lafayette
Detroit, Michigan 48201

Duties

Work Dugout at Tigers games respond to emergencies on Field and or in Dugout

LCA arena practice area first aid paramedic , respond to on ice emergencies and work first aid at events and arena

Confined Space Rescue Technician

9/2015 - 10/2016

Hours worked per week: 40
May we contact this employer? Yes

ELITE TECHNICAL RESCUE
LIVONIA, Michigan

Duties

Automotive Industry Site Safety

Under direction of supervisor from Elite Technical Rescue provide confined space rescue and safety

Jim Keaton (owner and operator) 734-323-5224

Reason for Leaving

reduced hours due to contract work available

Police Officers, Firefighters and Command staff

6/1998 - 6/2013

Hours worked per week: 40
May we contact this employer? YesDetroit Fire Department
Detroit, Michigan 48201**Duties**

Detroit, MI

June 1998-2013

Respond to trauma and medical calls

Transportation of patients to appropriate medical facility

Communication with Dispatchers, Police Officers, Firefighters and Command staff

Chief Sean Larkins 313-596-5180

Reason for Leaving

retired and vested with 15 years

Certificates and Licenses

Type: Paramedic

Number: 3201011907

Issued by: SOM

Date Issued: 8 /2008 Date Expires: 8 /2019

Type: ACLS

Number:

Issued by:

Date Issued: 12 /2015 Date Expires: 12 /2020

Type: Confined Space Entry Certificate

Number:

Issued by:

Date Issued: 3 /2015 Date Expires:

Skills

Office Skills

Typing:

Data Entry:

Additional Information**References**

Professional

Williamson, Craig

Captain

734-934-6745

Resume**Text Resume****Attachments**

Attachment	File Name	File Type	Created By
Richard N Cadoura2 2017 Resume.rtf	Richard N Cadoura2 2017 Resume.rtf	Resume	Job Seeker

Agency-Wide Questions

1. Q: How did you hear about this job?

A: Other

2. Q: Have you ever worked for the City of Detroit?

A:

3. Q: Were you a resident of the City of Detroit 12 months prior to filing this application:

A:

Supplemental Questions

1. Q: Do you possess a High School Diploma or GED?

A: Yes

2. Q: Do you possess a current unrestricted State of Michigan Emergency Medical Technician (Paramedic) License?

A: Yes

3. Q: Do you possess a current Detroit East Medical Control Authority (DEMCA) License?

A: No

4. Q: Do you possess a valid State of Michigan Chauffeur License?

A: Yes

Richard N. Cadoura

8533 Mathias #30
Grosse Ile, Michigan 48138
(313)-971-8500
Rcd971@gmail.com

Administrative Assistant with 6+ years of experience flawless preparation of presentations, preparing facility reports and maintaining the utmost confidentiality. Possesses a B.A. in History and expertise in Microsoft Excel. Looking to leverage my knowledge and experience into a role as Project Manager.

PROFESSIONAL EXPERIENCE

ELITE TECHNICAL RESCUE

Confined Space Rescue Technician
Automotive Industry Site Safety

LIVONIA, MI
September 2015- Present

- Under direction of supervisor from Elite Technical Rescue provide confined space rescue and safety
- Jim Keaton (owner and operator) 734-323-5224

WOODHAVEN FIRE DEPARTMENT

Firefighter Paramedic

Woodhaven, MI
August 2015 – Present

- Respond to Emergency Medical Calls and initiate Basic Life Support or Advance Life Support to patients
- Medical treatment for patient 12 lead EKG's , IV's, Medications
- Respond to Fire Calls under direction of Incident Commander initiate suppression, ventilation, overhaul of fire.
- Hazmat operations
- Monthly Fire and EMS training
- Chief Michael Clark 734-675-4918

RIVERVIEW FIRE DEPARTMENT

Firefighter Paramedic

Riverview, MI
April 2008 – Present

- Respond to Emergency Medical Calls and initiate Basic Life Support or Advance Life Support to patients
- Medical treatment for patient 12 lead EKG's , IV's, Medications
- Respond to Fire Calls under direction of Incident Commander initiate suppression, ventilation, overhaul of fire.
- Hazmat Operations, Pump Operator
- Deputy Chief Pool 734-281-4264

Detroit Fire Department

Detroit, MI
June 1998-2013

- Respond to trauma and medical calls
- Transportation of patients to appropriate medical facility
- Communication with Dispatchers, Police Officers, Firefighters and Command staff
- Chief Sean Larkins 313-596-5180

123 Your Address City, , State, , Zip Code (xxx)-xxx-xxxx your@email.com

EDUCATION

Michigan Academy Emergency Services

New Boston, MI

Paramedic, August 2006

- 12 Lead EKG's, Anatomy and Physiology, Pharmacology, Medical and Trauma Emergencies
- ACLS Certification

Firefighter 1 &, January 2007

- Fire Fighter 1 & 2
- Hazmat Training

Wayne County Community College

Taylor, MI

- AAS Liberal Arts started with a transfer to Schoolcraft College 2007-2008

Schoolcraft College

Livonia, MI

- Transfer AAS Para medicine (2016-Current)
- Environmental Health and Safety

ADDITIONAL SKILLS

- OSHA 30hour General Industry Construction December 2015
- OSHA 10 hour Industrial
- Confined Spaced Rescue Tech
- Confined Space Entry Certificate
- Hazmat Awareness
- Pump Operator



Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 314
Detroit, Michigan 48226

Phone 313•224•9421
Fax 313•628•1164
www.detroitmi.gov

December 4, 2017

Richard Cadoura
[REDACTED]

Dear Mr./Ms. Cadoura:

RE: Application for – Exam - 2017222403126xx

You have been scheduled to take the Physical Agility Test (PAT) for the Emergency Medical Technician (Basic / Paramedic) position. In order to participate in the PAT you must have a signed, current Medical Clearance from a physician.

This Medical Clearance Form is included with this letter. NO CANDIDATE will be allowed to participate in the PAT without a current Medical Clearance Form signed and dated by a physician.

You are scheduled to participate in the PAT on Thursday, December 7, 2017 at 8:30 am.

Please report to the Fire Department Training Academy, located at 10200 Erwin Street (between Lynch & Grinnell - off Van Dyke) in Detroit, 48208. Parking is available in the front of the Fire Department Training Academy.

YOU MUST BRING WITH YOU TO THE PHYSICAL AGILITY TEST:

- This letter - Admittance Notice
- Your signed medical clearance
- A COPY and the ORIGINAL of your current Driver's License with Chauffeurs' Endorsement (if you don't have one, you must have one by the first day of the Academy – 1/22/2018)
- A COPY and the ORIGINAL of your current State of MI - EMT (Basic / Paramedic) License
- A COPY and the ORIGINAL of your current State of MI - Detroit East Medical Control Authority Certification (DEMCA), (if applicable for Paramedic)
- Bring an Updated Resume
- Bring a COPY of the following - Work Experience Documentation:
 - o two (2) recent check stubs
 - o 2016 W-2
 - o two (2) Reference Letters

Please wear loose fitting and comfortable full-length pants and shirt, along with gym shoes or other comfortable footwear.

Please reply back stating you will be in attendance by contacting me at 313.720.5632 by Wednesday, December 6, 2017.

IF YOU CAN NOT MAKE IT TO THIS EVENT AND WISH TO RE-SCHEDULE, please contact my Administrative Assistant, Lisa Nelson at 313.224.3477.

Sincerely,

Belinda Brown, HR Recruiter II

Human Resources Department | 313-224-3477 | 119
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Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 314
Detroit, Michigan 48226

Phone 313•224•9421
Fax 313•628•1164
www.detroitmi.gov

December 19, 2017

Richard Cadoura
[REDACTED]

Dear Richard:

The City of Detroit is pleased to extend to you a conditional offer of employment for the position of Emergency Medical Technician (Paramedic) in the Fire Department - EMS Division with a starting rate/salary of \$23.52.

You may accept or decline this offer by responding to this email at brownbel@detroitmi.gov by the expiration date of Friday, December 22, 2017.

This offer is contingent upon your successful completion of a criminal background investigation, driver's license, drug screen and pre-employment medical evaluation.

In order to complete the criminal clearance, we need the following confidential information:

Phone Number:
Date of Birth:
Gender:
Race:
Alias/Maiden Name:
Driver License Number:
Copy of diploma, degree, or transcripts verifying completion

Failure to provide this information will rescind this offer of employment.

Once we receive your acceptance and the results of your pre-employment medical evaluation, you will receive an email from Employee Services Consultant, Kemia Crosson with your final certification date.

The City of Detroit is an Equal Opportunity Employer. No applicant shall be discriminated against on the basis of race, religion, color, age, gender, national origin, disability, or other criteria prohibited by City, State or Federal law.

If you have any questions, please feel free to contact me at 313.720.5632 and I will be more than happy to discuss the details of this offer.

Sincerely,

Belinda Brown, Recruiter II
Human Resources Department



Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 314
Detroit, Michigan 48226

Phone 313•224•9421
Fax 313•628•1164
www.detroitmi.gov

January 13, 2018

Richard Cadoura
[REDACTED]

RE: Application for Paramedic

Dear Mr. Cadoura:

Thank you for your interest in the above referenced position. Your skills and commitment to the City of Detroit were recognized and greatly appreciated.

We regret to inform you that you are no longer considered for selection for the Detroit Fire Department - EMS Division.

If you have any questions, please feel free to contact me at 313.224.3730.

Sincerely,

Belinda Brown
Human Resources Department

RICHARD CADOURA v CITY OF DETROIT
Deposition of Richard Cadoura

Page 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In the Matter of:

RICHARD CADOURA,

Plaintiff,

vs.

CITY OF DETROIT,

Defendant.

Case No. 20-cv-12986

Hon. Gershwin A. Drain

Magistrate Judge: Anthony P. Patti

ZOOM VIDEO CONFERENCE DEPOSITION OF RICHARD CADOURA

Transcript of the deposition taken in the
above-entitled matter by Zoom video conferencing, on

Thursday, January 5, 2023, commencing at or about 10:00 a.m.

APPEARANCES:

For the Plaintiff: CARLA D. AIKENS (P69530)
AUSTEN SHEAROUSE (P84852)
Carla D. Aikens P.L.C.
615 Griswold Street, Suite 709
Detroit, Michigan 48226
844.835.2993
carla@aikenslawfirm.com

For the Defendant: JASON T. MCFARLANE (P73105)
ANDRAE D. SMITH (P69153)
City of Detroit Law Department
2 Woodward Avenue, Suite 500
Detroit, Michigan 48226
313.237.3088/313.237.0548
mcfaj@detroitmi.gov
smithand@detroitmi.gov

REPORTED BY: TAMARA A. O'CONNOR
CSMR-2656, CER-2656

TAMARA A. O'CONNOR

248.882.1331

toconnorrptg@aol.com

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Deposition of Richard Cadoura

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TAMARA A. O'CONNOR

248.882.1331

toconnorrptg@aol.com

RICHARD CADOURA v CITY OF DETROIT
Deposition of Richard Cadoura

Page 3	<p>1 Thursday, January 5, 2023 – 10:00 a.m.</p> <p>2 (Deposition taken by Zoom video</p> <p>3 conferencing. The term “inaudible” is</p> <p>4 used where audio fades out or audio</p> <p>5 interference causes testimony to be</p> <p>6 unintelligible.)</p> <p>7 REPORTER: Please raise your right hand.</p> <p>8 Do you solemnly swear to tell the truth, the whole truth</p> <p>9 and nothing but the truth?</p> <p>10 MR. CADOURA: Yes, ma’am.</p> <p>11 REPORTER: Thank you.</p> <p>12 MR. MCFARLANE: This is the date and time</p> <p>13 set for the deposition of Mr. Cadoura in the lawsuit that</p> <p>14 he filed against the City of Detroit and to be used for</p> <p>15 all purposes under the Michigan Federal Rules of Civil</p> <p>16 Procedure.</p> <p>17 RICHARD CADOURA</p> <p>18 having been called as a witness, was sworn to testify to</p> <p>19 the truth, the whole truth and nothing but the truth, was</p> <p>20 examined and testified as follows:</p> <p>21 EXAMINATION</p> <p>22 BY MR. MCFARLANE:</p> <p>23 Q Sir, as this is taken via Zoom, I would ask, are you</p> <p>24 alone?</p> <p>25 A Yes, sir.</p>	Page 5	<p>1 Q And what is your current address?</p> <p>2 A Current address is 12559 Stoneridge Lane, South Rockford,</p> <p>3 Michigan, Apartment 102. I’m sorry. 12559 Stoneridge</p> <p>4 Lane, Apartment 102, South Rockford, Michigan 48179. I</p> <p>5 haven’t changed it on my Driver’s License yet, but I am</p> <p>6 in the process of moving.</p> <p>7 Q And I take it based on what you just said, you’re</p> <p>8 currently in the process of moving?</p> <p>9 A That’s right.</p> <p>10 Q Do you live with anybody else?</p> <p>11 A No.</p> <p>12 Q I would like to start with your employment history.</p> <p>13 Prior to working for the City of Detroit, where did you</p> <p>14 work?</p> <p>15 A Community Ambulance.</p> <p>16 Q And when did you start working for Community Ambulance?</p> <p>17 A I believe it was probably the summer of ’97.</p> <p>18 Q And how long did you stay with Community Ambulance?</p> <p>19 A I would say probably anywhere between six months and a</p> <p>20 year. I was actually working for a few of their</p> <p>21 companies. One was a hospital-based company and the other</p> <p>22 was a private ambulance company. The other one was</p> <p>23 Health Link EMS. It was under the same parent company.</p> <p>24 I worked part-time for both and then when I received my</p> <p>25 letter to work for the City of Detroit, I obtained</p>
Page 4	<p>1 Q Okay. Nobody else present?</p> <p>2 A No, sir.</p> <p>3 Q Okay.</p> <p>4 A Am I okay or do you want me to center myself a little</p> <p>5 better --</p> <p>6 Q You’re absolutely fine. I’m not going to fuss over</p> <p>7 whether you’re centered or not. It’s all right by me.</p> <p>8 Just so you know, when I’m talking, don’t talk over me.</p> <p>9 It makes it very hard for the Court Reporter. When I’m</p> <p>10 talking, let me finish. I’ll try and let you finish.</p> <p>11 I’m sure we’ll screw it up somewhere along the way, but</p> <p>12 the less we do it, the better.</p> <p>13 If you don’t understand any questions I</p> <p>14 ask, just let me know because if you answer, it will seem</p> <p>15 like you understood the question.</p> <p>16 If you need a break, let us know and we’ll</p> <p>17 take a break. Any questions before we start?</p> <p>18 A No, sir.</p> <p>19 Q What is your full name?</p> <p>20 A Richard Najib; N-a-j-i-b. Last name is Cadoura; C-a-d-o-</p> <p>21 u-r-a.</p> <p>22 Q Have you ever used any other names?</p> <p>23 A No.</p> <p>24 Q What is your date of birth?</p> <p>25 A September 3, 1971.</p>	Page 6	<p>1 residency in the City which was a requirement of</p> <p>2 employment and then I resigned after the, well, two weeks</p> <p>3 before the academy started. So we were supposed to start</p> <p>4 June 8, 1998.</p> <p>5 I resigned from both jobs two weeks prior.</p> <p>6 Q And then you came to the City of Detroit. Is that</p> <p>7 correct?</p> <p>8 A That’s correct.</p> <p>9 Q And what title did you hold at the City of Detroit?</p> <p>10 A They called it back then, it still could be true today,</p> <p>11 it was EMMT which was an Emergency Mobile Medical</p> <p>12 Technician.</p> <p>13 Q Did you hold any other titles with the City?</p> <p>14 A No.</p> <p>15 Q Okay. And when did you leave the City?</p> <p>16 A It was June 7th, 2013.</p> <p>17 Q And why did you leave?</p> <p>18 A I was working, you know, my regular shift with the</p> <p>19 regular partner that I had and before I made the decision</p> <p>20 to leave, I was brought before one of the HR personnel</p> <p>21 with then Chief Gerald James and we had a meeting.</p> <p>22 Apparently, they had some issue with, they</p> <p>23 said that I couldn’t be clean shaven every day and I told</p> <p>24 them, you know, that was never an issue before. Why is</p> <p>25 it becoming an issue now and it became apparent that I</p>

3 (Pages 3 to 6)

RICHARD CADOURA v CITY OF DETROIT
Deposition of Richard Cadoura

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<p>1 didn't want to be discharged because they told me in that</p> <p>2 meeting that if things didn't change, then I would be</p> <p>3 subject to a discharge and I didn't want to be discharged</p> <p>4 from there.</p> <p>5 Q And so you resigned?</p> <p>6 A That's correct.</p> <p>7 Q Prior to your resignation did you have any pending</p> <p>8 discipline?</p> <p>9 A That's correct.</p> <p>10 Q And do you recall what that pending discipline was?</p> <p>11 A There was a lot. I couldn't really specify one over the</p> <p>12 other. You are talking about the most recent ones that</p> <p>13 led up to me resigning?</p> <p>14 Q If you have some in mind, I'd like to hear them, yeah.</p> <p>15 A They took issue with the fact that a camera crew was</p> <p>16 following us around. The Commissioner at the time, James</p> <p>17 Mack, stated that our times were consistent with the</p> <p>18 national average which was 12 minutes and it wasn't true,</p> <p>19 so a camera crew was following us around and they</p> <p>20 documented the fact that it wasn't correct and put the</p> <p>21 City in the public eye and everybody was focused on that</p> <p>22 and then I started receiving a lot of discipline.</p> <p>23 Q When was this camera crew following you around?</p> <p>24 A Sometime in the summer of 2008.</p> <p>25 Q Okay. And do you recall any specific discipline that you</p>	<p>1 expressway, so we had to take a different route.</p> <p>2 When we arrived on scene, we found the</p> <p>3 person who was barely breathing and he was coughing up</p> <p>4 blood and his sister was sitting off to the side and she</p> <p>5 was crying hysterically and the firemen that were there</p> <p>6 were upset because it took us so long to get there. They</p> <p>7 actually responded first and we loaded him up into the</p> <p>8 ambulance and some doctor happened to be there on the</p> <p>9 side of the freeway and wanted to assist and he asked if</p> <p>10 he could ride in the ambulance.</p> <p>11 My Lieutenant at the time stated that he</p> <p>12 could, so we transported him to Detroit Receiving and</p> <p>13 then when we delivered care over to the staff, one of the</p> <p>14 staff members pointed out that I had blood or some tissue</p> <p>15 from the patient on my shirt and I went to go take it off</p> <p>16 so I could put it in a biohazard bag and as I was coming</p> <p>17 outside, Lieutenant John Sablowski was talking to my</p> <p>18 partner who was Jeff Sebreer at the time.</p> <p>19 I asked him if there was something wrong</p> <p>20 and he said he was conducting an inquiry about a patient</p> <p>21 abandonment and when I asked him what he was implying, he</p> <p>22 said that you left the girl there and didn't make sure</p> <p>23 that she was attended to.</p> <p>24 Well, there was an EMS lieutenant on scene</p> <p>25 and I was in the back attending to the patient and Jeff</p>
Page 8	Page 10
<p>1 had that was still pending when you resigned?</p> <p>2 A All of it.</p> <p>3 Q All of it?</p> <p>4 A That's correct.</p> <p>5 Q None of your discipline went to Trial Board?</p> <p>6 A No.</p> <p>7 Q Did you appeal all of your discipline?</p> <p>8 A We were in the process of switching unions at the time</p> <p>9 from Operating Engineers to the POAM which is the Police</p> <p>10 Officers Association of Michigan and they stated that the</p> <p>11 discipline that I had currently would transfer over and</p> <p>12 POAM would assume responsibility for it and I never</p> <p>13 received a Trial Board for any of it.</p> <p>14 Q Do you recall a discipline for telling your supervisor to</p> <p>15 go to your truck and fuck off?</p> <p>16 A I remember that.</p> <p>17 Q Okay. And did you write a statement in that discipline,</p> <p>18 your own handwritten statement?</p> <p>19 A I don't recall.</p> <p>20 Q Did you tell your supervisor to fuck off?</p> <p>21 A Yes, I did.</p> <p>22 Q And why did you do that?</p> <p>23 A If you could bear with me, we were responding to a call</p> <p>24 on the freeway where a person was ejected out of the</p> <p>25 vehicle. There was a massive backup in traffic on the</p>	<p>1 Sebreer who was my partner, he's also an EMT, stated that</p> <p>2 the other ambulance was there because we called for more</p> <p>3 resources. He told him through the window that the girl</p> <p>4 was sitting off to the side of the road and that we would</p> <p>5 be leaving. There was an EMS Lieutenant there. He</p> <p>6 understood exactly what was happened and we transported.</p> <p>7 When we got to the hospital, he was</p> <p>8 conducting an inquiry for some allegedly abandonment and</p> <p>9 he tried to talk to my partner and I told him if you're</p> <p>10 trying to imply any discipline or any investigation that</p> <p>11 could lead to discipline, I'm invoking my Weingarten</p> <p>12 rights as well as for Mr. Sebreer because I don't know</p> <p>13 where you're going with this.</p> <p>14 I don't even know where the charge was</p> <p>15 actually initiated from. I believe it was from then</p> <p>16 Captain (inaudible) James, which was Chief Gerald James'</p> <p>17 wife. She was also an administrative officer and the</p> <p>18 Lieutenant got mad because I wouldn't answer any of his</p> <p>19 questions which was not being insubordinate.</p> <p>20 I invoked my Weingarten rights. I didn't</p> <p>21 want to speak until I talked to a Union representative</p> <p>22 based on what the issue was. Then as I was walking away,</p> <p>23 the Lieutenant focused his attention on the fact that I</p> <p>24 wasn't wearing my duty shirt and I told him that it had</p> <p>25 blood on it and he told me, "I don't care. You put it</p>

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Page 11	<p>1 back on. I'm ordering you to put it back on."</p> <p>2 I said, "It's contaminated and I'm not</p> <p>3 doing it," and he started to come towards me. This is a</p> <p>4 Lieutenant that I worked with when he was a paramedic on</p> <p>5 the ambulance. I worked with him on multiple occasions</p> <p>6 and we had a good working relationship.</p> <p>7 I couldn't understand what was going on at</p> <p>8 this particular time, but there was some urgency for him</p> <p>9 to start something and the situation got heated and I did</p> <p>10 say it. I was disappointed in the fact that he was one</p> <p>11 of my commanding officers and somebody that I had respect</p> <p>12 for and for him to imply that I would put on a bloody</p> <p>13 soaked shirt to me was just with, all due respect, bad</p> <p>14 judgment on his part.</p> <p>15 Q Understood. I'm going to show you a document that I'll</p> <p>16 have marked as Exhibit 1.</p> <p>17 (At 10:12 a.m., Defendant's</p> <p>18 Exhibit 1 marked)</p> <p>19 Q (By Mr. McFarlane) Can you see that document, sir?</p> <p>20 A Yeah.</p> <p>21 Q Does this look familiar?</p> <p>22 A Yeah.</p> <p>23 Q Okay. Are you aware if you wrote this?</p> <p>24 A That's correct. That's my signature.</p> <p>25 Q Okay. So would this be your statement regarding that</p>	Page 13	<p>1 A That's correct.</p> <p>2 Q And when was that lawsuit filed?</p> <p>3 A About probably by Norm Yatooma probably sometime probably</p> <p>4 2008 maybe when all the issues started happening.</p> <p>5 Q And what were you alleging in that lawsuit?</p> <p>6 A I don't recall. There were some documents, you know,</p> <p>7 that they presented. It was part of a class action.</p> <p>8 There were several other participants that were involved.</p> <p>9 Then Lieutenant Mike Kearns was involved. Lieutenant</p> <p>10 Mike Christy was involved and then there were probably</p> <p>11 several other people.</p> <p>12 Q And what happened with that lawsuit?</p> <p>13 A At the time that the City was filing for bankruptcy, the</p> <p>14 attorney, Elias Muwad, called me and said that the City</p> <p>15 was filing for bankruptcy, so whatever settlement I would</p> <p>16 get, it would be pennies on the dollar and that he could</p> <p>17 no longer represent me, so I called the City of Detroit</p> <p>18 Law Department and spoke with Letitia Jones and she asked</p> <p>19 me – I told her that I'm no longer represented by Counsel</p> <p>20 and she hung up on me.</p> <p>21 Q Did you or your attorney at the time file a claim with</p> <p>22 the bankruptcy court?</p> <p>23 A No. To my knowledge, no.</p> <p>24 Q Not that you know of. Okay. Do you know what happened</p> <p>25 within the bankruptcy court regarding your lawsuit?</p>
Page 12	<p>1 altercation?</p> <p>2 A That's correct.</p> <p>3 Q Okay. Thank you. Is there any other specific discipline</p> <p>4 that you remember that was pending when you resigned?</p> <p>5 A As a result of the media story, I did have my shirt</p> <p>6 untucked for a brief moment when I was on camera. I was</p> <p>7 called in by Assistant Superintendent Joe Wilson and I</p> <p>8 believe I received a 48-hour suspension for that.</p> <p>9 Q Did you serve that suspension?</p> <p>10 A I don't recall. I probably did.</p> <p>11 Q When you resigned from the City of Detroit, were you</p> <p>12 eligible to collect a pension?</p> <p>13 A At the time I wasn't sure because the City was on the</p> <p>14 verge of bankruptcy prior to me leaving, so I wasn't sure</p> <p>15 what that would entail after.</p> <p>16 Q Did you ever receive any pension payments from the City</p> <p>17 of Detroit?</p> <p>18 A If I did, I would be eligible this year. This would be</p> <p>19 my 25th year of service.</p> <p>20 Q Speaking of the bankruptcy, are you aware if – okay, so</p> <p>21 let's go back. So prior to your resignation you had a</p> <p>22 lawsuit against the City of Detroit. Is that correct?</p> <p>23 A Say that one more time.</p> <p>24 Q Prior to your resignation did you have a lawsuit against</p> <p>25 the City of Detroit?</p>	Page 14	<p>1 A No.</p> <p>2 Q Did your attorney ever inform you about any filings</p> <p>3 within the bankruptcy court regarding your lawsuit?</p> <p>4 A No. Not to my knowledge.</p> <p>5 Q So after you resigned from the City of Detroit, where did</p> <p>6 you go next?</p> <p>7 A At the time, I was currently working with the Riverview</p> <p>8 Fire Department. It was part-time employment.</p> <p>9 Q And when did you begin working for Riverview?</p> <p>10 A When I became a paramedic.</p> <p>11 Q And do you know what year that was?</p> <p>12 A It was I believe in the beginning of 2008.</p> <p>13 Q So from 2008 to 2013 you were working part-time with</p> <p>14 Riverview?</p> <p>15 A That's correct.</p> <p>16 Q And you said how many hours were you doing at that point?</p> <p>17 A The required minimum of part-time. I think at that time</p> <p>18 it was required to work either 48 or 54 hours a month.</p> <p>19 Q And how many hours were you working at the City of</p> <p>20 Detroit?</p> <p>21 A The standard which was 84 hours bi-weekly.</p> <p>22 Q So bi-weekly.</p> <p>23 A With option of overtime. I mean, they had a lot of</p> <p>24 vacancies to fill.</p> <p>25 Q When you resigned from the City did you maintain part-</p>

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<p>1 time at Riverview or did you go full-time?</p> <p>2 A They were part-time. Also, I was working at Harper</p> <p>3 Hospital as a contingent EMT.</p> <p>4 Q Harper Hospital, and when did you start working there?</p> <p>5 A I want to say probably 2004 to 2008, so right around the</p> <p>6 time, I believe, when I got my paramedics license. Right</p> <p>7 around that time.</p> <p>8 Q How many hours did you put in at Harper Hospital?</p> <p>9 A It was contingent employment, so I was only required to</p> <p>10 work eight hours a month. I sometimes would work no more</p> <p>11 than 24 hours a week.</p> <p>12 Q When did you or have you separated from employment with</p> <p>13 Riverview?</p> <p>14 A Yes, I have.</p> <p>15 Q Okay. And when was that?</p> <p>16 A 2015.</p> <p>17 Q And why did you leave Riverview?</p> <p>18 A I was discharged.</p> <p>19 Q And what were you discharged for?</p> <p>20 A I actually don't know. There were a list of charges that</p> <p>21 were applied. They didn't specify any specific one.</p> <p>22 Q What was the list of charges that you can recall?</p> <p>23 A I guess I had a disagreement. I'll answer your question</p> <p>24 first. I believe it was insubordination was one and they</p> <p>25 said that I was recording some meetings without prior</p>	<p>1 Q And did you stay with Riverview at that point?</p> <p>2 A For about a year.</p> <p>3 Q And then you said you left in 2015?</p> <p>4 A No.</p> <p>5 Q When did you leave?</p> <p>6 A I believe it was probably 2018.</p> <p>7 Q 2018. Why did you leave in 2018?</p> <p>8 A I was discharged a second time.</p> <p>9 Q Okay. And what was that discharge?</p> <p>10 A Again, it was from the same person, Cliff Rosbohn. Well,</p> <p>11 no. I take that back. They had appointed a Fire Chief.</p> <p>12 Q And who was that?</p> <p>13 A I'm trying to think of his name. I can't recall.</p> <p>14 Q And what were the charges?</p> <p>15 A A few that were pending. I don't recall.</p> <p>16 Q And did you grieve it?</p> <p>17 A No.</p> <p>18 Q Why not?</p> <p>19 A I settled with the Department.</p> <p>20 Q And when you say "settled," had you filed a lawsuit?</p> <p>21 A That's correct.</p> <p>22 Q And when did you file that lawsuit?</p> <p>23 A I don't recall. Around the time possibly when I was</p> <p>24 discharged the first time.</p> <p>25 Q Do you recall when your last day of employment with</p>
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<p>1 authorization, that I was - a couple other things. I</p> <p>2 don't have a list. There's probably about 25 or so</p> <p>3 things.</p> <p>4 The Police Chief at the time, he was the</p> <p>5 Public Safety Director and he didn't really oversee the</p> <p>6 Fire Department. He was mainly overseeing the Police</p> <p>7 Department and he had an Assistant Chief at the time.</p> <p>8 His name was Michael Pool.</p> <p>9 He was just there to take care of</p> <p>10 administrative issues. When it came to discipline, it</p> <p>11 would come from the Public Safety Director.</p> <p>12 Q And is that who disciplined you?</p> <p>13 A That's correct.</p> <p>14 Q And were you in a union at Riverview?</p> <p>15 A That's correct.</p> <p>16 Q And what was the name of that union?</p> <p>17 A I believe it was AFSCME, I believe.</p> <p>18 Q Was it a Local or just the overarching AFSCME Union?</p> <p>19 A No, it was a Local. I don't recall the Local number</p> <p>20 itself.</p> <p>21 Q Did you appeal your discharge?</p> <p>22 A I did, because I was the elected Vice-President of our</p> <p>23 Local.</p> <p>24 Q And what was the result of that grievance?</p> <p>25 A I was returned back to duty.</p>	<p>1 Riverview was?</p> <p>2 A That I couldn't tell you. It was probably the last full</p> <p>3 day that I worked was the day that I was suspended and</p> <p>4 then I received the termination letter in the mail.</p> <p>5 Q Was that before or after you applied to the City of</p> <p>6 Detroit for the second time?</p> <p>7 A Actually, I applied before that. I applied for</p> <p>8 reinstatement prior to going through the application</p> <p>9 process. I believe it was back in 2017.</p> <p>10 Q And what was the result of your reinstatement request?</p> <p>11 A I never heard anything back. I actually went to Fire</p> <p>12 Department Headquarters which was located, I believe, on</p> <p>13 Michigan and Third. It was the old MGM Grand Casino</p> <p>14 building and I had spoken with the superintendent, Shawn</p> <p>15 Larkins.</p> <p>16 Q Okay.</p> <p>17 A I had worked with him for several years on the ambulance</p> <p>18 at different stations. I had a good relationship with</p> <p>19 him. Somebody told me that I could call him and then</p> <p>20 when he stated that I could come down there and talk to</p> <p>21 him, I made an appointment and then I was able to pass</p> <p>22 through security and then he met me downstairs and walked</p> <p>23 me back upstairs and we had a little talk.</p> <p>24 He asked me how things were going since I</p> <p>25 left and I said, "Well, you know, a lot of things</p>

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<p>Page 19</p> <p>1 happened as a result of the Detroit story and the</p> <p>2 controversy and everything that was going on that some of</p> <p>3 my current employers weren't too happy about that."</p> <p>4 I said, "You know, I probably never should have left."</p> <p>5 So he had somebody come down from Fire Department HR and</p> <p>6 I want to say I believe her name was Kemia. Kemia Brown,</p> <p>7 possibly.</p> <p>8 Q If I said Kemia Crosson, would that --</p> <p>9 A Kemia Crosson. There we go, and then he handed me a</p> <p>10 reinstatement letter. I filled it out and Ms. Crosson</p> <p>11 you said is her name?</p> <p>12 Q I don't know if that's who you spoke to, but there is a</p> <p>13 Kemia Crosson that I'm aware of that works in Fire from</p> <p>14 HR, so I'm just asking if that's her. If you don't</p> <p>15 recall, that's okay.</p> <p>16 A She came downstairs and I handed her the letter, the</p> <p>17 reinstatement letter, which usually when you fill out</p> <p>18 documentation, they're required to make copies and then</p> <p>19 issue one of them back to you and then they keep two.</p> <p>20 It's always been Fire Department standard that they give</p> <p>21 you some kind of documentation from, you know, whatever</p> <p>22 meeting you had or whatever documents you submitted.</p> <p>23 I never received anything and I never</p> <p>24 heard anything back.</p> <p>25 Q And then at some point did you apply for a position at</p>	<p>Page 21</p> <p>1 because I would be returning back to the City of Detroit.</p> <p>2 Q Okay. And you said Ms. Brown was the HR Director?</p> <p>3 A I didn't know exactly her position if she was part of</p> <p>4 Fire Department HR or if she was general City HR. At the</p> <p>5 time I didn't know.</p> <p>6 Q So you're not sure if she's an HR Director or not?</p> <p>7 A She was.</p> <p>8 Q Okay.</p> <p>9 A To my understanding.</p> <p>10 Q Did you have any other communications with Ms. Brown at</p> <p>11 that time other than the text message?</p> <p>12 A We spoke on the phone.</p> <p>13 Q And when did you speak to her on the phone?</p> <p>14 A Well, in the text message that I received. It was after</p> <p>15 Assistant Chief Raymond Birch passed away. The day after</p> <p>16 I was interviewed, he passed away and then I attended his</p> <p>17 funeral and then about a week later possibly, I received</p> <p>18 a text message asking if I could call her. This is Ms.</p> <p>19 Brown.</p> <p>20 I called her and she stated that they</p> <p>21 would have to withdraw their offer of position as</p> <p>22 paramedic with the City of Detroit Fire Department.</p> <p>23 Q And did she state anything else?</p> <p>24 A She stated that apparently they reviewed my employee file</p> <p>25 and that it stated that I was discharged and placed on a</p>
<p>Page 20</p> <p>1 the City of Detroit after that?</p> <p>2 A That's correct.</p> <p>3 Q Okay. And what position did you apply for?</p> <p>4 A At the time, they said that I could apply for a paramedic</p> <p>5 position at the City of Detroit.</p> <p>6 Q And do you know when you applied?</p> <p>7 A I'm sorry?</p> <p>8 Q Do you know when you applied?</p> <p>9 A No, shortly after that. Probably sometime in late maybe</p> <p>10 the middle 2017, late 2017.</p> <p>11 Q And after you applied did you hear back?</p> <p>12 A That's correct. The point of contact that I had was back</p> <p>13 then he was Assistant Chief, Raymond Birch. I had spoken</p> <p>14 to him on the phone and he said that the City was eager</p> <p>15 to bring back technicians that had a lot of experience</p> <p>16 that could mentor a lot of the younger group that were</p> <p>17 hiring in.</p> <p>18 I told him that I was interested and then</p> <p>19 I applied, so he was my point of contact from that point.</p> <p>20 Q And did you get a job offer from the City?</p> <p>21 A After the process was completed, I was contacted by text</p> <p>22 message from the HR Director, Ms. Brown. She sent me a</p> <p>23 text message saying -- it was either email or text message</p> <p>24 that said that I was offered the position and upon</p> <p>25 accepting it, I could resign from my current employment</p>	<p>Page 22</p> <p>1 Do Not Rehire List.</p> <p>2 With all due respect, Counsel, is it okay</p> <p>3 if I sip on something so that I can keep my throat clear?</p> <p>4 Q Absolutely. Go for it.</p> <p>5 A All right. Thank you. Did you want me to finish that?</p> <p>6 Q Yeah, go ahead.</p> <p>7 A So around the time when they were doing the physical</p> <p>8 agility test which is the physical portion of the</p> <p>9 requirement to enter into employment with the City of</p> <p>10 Detroit Fire Department EMS Division, at the time I was</p> <p>11 talking with Ms. Brown there and she stated to me, "Mr.</p> <p>12 Cadoura, you have a look of concern on your face."</p> <p>13 I said, "Honestly," I said, "it's kind of</p> <p>14 a surprise that I'm actually, you know, being considered</p> <p>15 to come back for reemployment with the City." I said, "I</p> <p>16 received a lot of discipline in the past and I thought</p> <p>17 that that would be an issue."</p> <p>18 She said that my 15 years of service or</p> <p>19 just one day shy of 15 years, she said, "Your service</p> <p>20 record will weigh heavily on your return. You spent a</p> <p>21 lot of years with the City of Detroit Fire Department and</p> <p>22 that would weigh heavily."</p> <p>23 They gave me some sense of reassurance. The</p> <p>24 vibe that I got from then Assistant Chief Joe Barney, he</p> <p>25 just seemed like he was distant, didn't really say much,</p>

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Page 23	<p>1 couldn't understand. I worked with him, you know, for</p> <p>2 many years. There were no issues that I could remember</p> <p>3 and then after that when I spoke to her, I said, that</p> <p>4 night that she called me to tell me that I wasn't going</p> <p>5 to be able to come back, and she told me that I was</p> <p>6 discharged and I said, "I wrote a resignation letter and</p> <p>7 it was acknowledged and then they paid me out for my time</p> <p>8 several months later."</p> <p>9 I was not aware of any discharge from</p> <p>10 employment and she said that on my exit interview, they</p> <p>11 stated that I was recommended to not be rehired. I told</p> <p>12 her that I never received an exit interview. She stated</p> <p>13 that it was mandatory that I receive an exit interview</p> <p>14 because at that point is when they tell you if you're</p> <p>15 eligible for rehire in the future or if you're not.</p> <p>16 She said at the time, I said, "So if I was</p> <p>17 discharged from the Fire Department, then I would have to</p> <p>18 have a show cause hearing as to why I was being</p> <p>19 discharged. There had to have been some discipline that</p> <p>20 preceded that."</p> <p>21 She told me that she thought that she said</p> <p>22 too much and hung up.</p> <p>23 Q And that was the last conversation you had with Ms.</p> <p>24 Brown?</p> <p>25 A That's correct.</p>	Page 25	<p>1 A I don't recall. Are you saying email?</p> <p>2 Q Do you got an email you said?</p> <p>3 A No. With all due respect, I'm asking is this an email or</p> <p>4 was this a hard copy letter that they mailed?</p> <p>5 A I have a copy of and the blacked out portion on the top</p> <p>6 is your address. We've redacted that in discovery, but</p> <p>7 as far as I can tell, this is a letter addressed to you</p> <p>8 that was in your personnel file. I'm just trying to</p> <p>9 verify if you recall receiving it?</p> <p>10 A Possibly, but I don't recall.</p> <p>11 Q Okay. And do you know when you attended the physical</p> <p>12 ability test?</p> <p>13 A I believe I read in there that it said that it was</p> <p>14 December 7th.</p> <p>15 Q Does that seem accurate?</p> <p>16 A I would say yes. I mean, I don't recall exactly, but if</p> <p>17 that was the date, I did attend.</p> <p>18 Q And do you recall receiving a letter from the City</p> <p>19 informing you that you were no longer being considered</p> <p>20 for employment?</p> <p>21 A I don't recall receiving that.</p> <p>22 Q I'll share with you what will be marked, I think I'm on</p> <p>23 Exhibit 4.</p> <p>24 (At 10:37 a.m., Defendant's</p> <p>25 Exhibit 4 marked)</p>
Page 24	<p>1 Q And did you receive – I want to go over some documents.</p> <p>2 Did you ever receive a letter from the City regarding an</p> <p>3 offer of employment?</p> <p>4 A I believe I did.</p> <p>5 Q Let me show you what I'll have marked as Exhibit 2.</p> <p>6 (At 10:34 a.m., Defendant's</p> <p>7 Exhibit 2 marked)</p> <p>8 Q (By Mr. McFarlane) Does this document look familiar?</p> <p>9 A That's correct.</p> <p>10 Q And do you recall receiving this?</p> <p>11 A I don't recall.</p> <p>12 Q Do you recall responding to the City and providing your</p> <p>13 name, date of birth, and Driver's License and the other</p> <p>14 information requested?</p> <p>15 A That's correct.</p> <p>16 Q So you did provide that information to the City?</p> <p>17 A To my recollection, yes.</p> <p>18 Q Do you recall receiving a letter to go to the physical</p> <p>19 agility test?</p> <p>20 A That's correct.</p> <p>21 Q I'm going to show you what I'll have marked as Exhibit 3.</p> <p>22 (At 10:35 a.m., Defendant's</p> <p>23 Exhibit 3 marked)</p> <p>24 Q (By Mr. McFarlane) And do you recall receiving this</p> <p>25 letter?</p>	Page 26	<p>1 Q (By Mr. McFarlane) Do you recall this document?</p> <p>2 A No, I don't recall.</p> <p>3 Q Do you know when you spoke to Ms. Brown when she informed</p> <p>4 you that you were no longer being considered for</p> <p>5 employment?</p> <p>6 A I received a text message stating when the academy was</p> <p>7 going to start which was January 2nd of 2018. It was</p> <p>8 prior to, I believe, the first of the year.</p> <p>9 Q Prior to the first of the year.</p> <p>10 A It may have been. I believe it was just about two weeks</p> <p>11 outside of when the academy was supposed to start.</p> <p>12 Q And at that time were you still employed by Riverview?</p> <p>13 A No.</p> <p>14 Q So at the end of 2017 you were no longer employed by</p> <p>15 Riverview?</p> <p>16 A That's correct.</p> <p>17 Q I thought earlier you told me you were still at Riverview</p> <p>18 in 2018?</p> <p>19 A At the time that I applied I was just in the process of</p> <p>20 being reinstated, so I wasn't at the time employed. I</p> <p>21 started sometime probably in the beginning of 2018, so</p> <p>22 right around that time, but at the time the decision was</p> <p>23 made for me to go to the City of Detroit, I was in the</p> <p>24 process of – there was a delay from sometime, I believe,</p> <p>25 in October until like the first of the year for me to be</p>

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<p>1 reinstated, so there was a time when I did receive</p> <p>2 information from the Arbitrator and there was some kind</p> <p>3 of delay about returning me back.</p> <p>4 Q Do you know the return to work date?</p> <p>5 A I believe it was – no, I don't.</p> <p>6 Q Okay. Was it early, mid-January, late January?</p> <p>7 A I think it was the beginning of January.</p> <p>8 Q When you were reinstated, did you receive any back pay</p> <p>9 award?</p> <p>10 A No.</p> <p>11 Q You were reinstated, no back pay?</p> <p>12 A In the Arbitrator's ruling, he believed that I was off</p> <p>13 for 16 months. He believed that a two-month suspension</p> <p>14 would have been appropriate instead of discharge and the</p> <p>15 Union declined to pursue the back pay.</p> <p>16 Q Did you have any other employment other than the ones</p> <p>17 we've spoken about?</p> <p>18 A Yes, I did.</p> <p>19 Q Okay. What other employers did you work for?</p> <p>20 A The City of Woodhaven.</p> <p>21 Q And when did you work for the City of Woodhaven?</p> <p>22 A I believe it was August 27, 2015.</p> <p>23 Q Okay. Until when?</p> <p>24 A I would say probably two months ago.</p> <p>25 Q So that would be November-ish of 2022?</p>	<p>1 or were you just discharged?</p> <p>2 A They said that there was a comment that I made to a</p> <p>3 female firefighter that was on probation.</p> <p>4 Q And what comment did they allege that you made to a</p> <p>5 female probationary employee?</p> <p>6 A I don't recall because I didn't see any specific</p> <p>7 statement that she wrote. They paraphrased some things</p> <p>8 and then pursuant to her interview, they interviewed</p> <p>9 several other female firefighters. Some of them were my</p> <p>10 superiors and whatever issues they brought up, it was</p> <p>11 unbeknownst to me that there was any kind of problem</p> <p>12 because it was never brought up to me.</p> <p>13 Q When they discharged you did they provide you either an</p> <p>14 investigation or a fact sheet or anything tell you why</p> <p>15 you were being discharged?</p> <p>16 A It was an unsworn meeting. It was a Garrity hearing the</p> <p>17 first one which I had Union representation there and I</p> <p>18 was told before, the day before that I was suspended by</p> <p>19 Mr. Kyle Fowle who was also an employee with the City of</p> <p>20 Detroit Fire Department at the time —</p> <p>21 REPORTER: The last name, please?</p> <p>22 THE WITNESS: Fowle; F-o-w-l-e.</p> <p>23 REPORTER: Thank you.</p> <p>24 Q (By Mr. McFarlane) You said he was a City employee as</p> <p>25 well?</p>
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<p>1 A October or November.</p> <p>2 Q October or November of 2022. Okay.</p> <p>3 A That's correct.</p> <p>4 Q And why did you leave Woodhaven?</p> <p>5 A Discharged.</p> <p>6 Q And what were you discharged for from the City of</p> <p>7 Woodhaven?</p> <p>8 A I contested their promotional process. I stated to them</p> <p>9 that – there was a new Chief appointed. He was a</p> <p>10 Captain, Brad Miles. He was promoted to Chief and in</p> <p>11 their contract, the previous one, stated that they would</p> <p>12 use seniority as a means of promotion. I was the senior</p> <p>13 paramedic fireman.</p> <p>14 They switched unions and either that</p> <p>15 language was removed. The City Manager who I had issues</p> <p>16 with in the past wanted the seniority element to be</p> <p>17 removed. They initiated some testing, written testing. I</p> <p>18 took the test. I complied with all the requirements.</p> <p>19 They were upset that I was concerned about the process</p> <p>20 that they were using and then I did the interview.</p> <p>21 They said that I scored the highest on the</p> <p>22 interview. I don't recall seeing my test scores.</p> <p>23 Everybody else knew what my test scores were but me, and</p> <p>24 I was discharged.</p> <p>25 Q And were there any specific charges drafted against you</p>	<p>1 A That's correct. He at the time separated from Detroit to</p> <p>2 pursue employment with the City of Livonia.</p> <p>3 Q So he was a former City employee that was going to</p> <p>4 Livonia?</p> <p>5 A Permanent. That's correct. He was the one that was</p> <p>6 instrumental in putting myself and Assistant Chief</p> <p>7 Raymond Birch at the time in contact.</p> <p>8 Q Okay. Do you know when he left the City of Detroit?</p> <p>9 A I don't recall.</p> <p>10 Q Okay. So you had a Garrity Interview. What happened</p> <p>11 after the Garrity Interview?</p> <p>12 A They informed me that I was going to have a Loudermill</p> <p>13 Hearing.</p> <p>14 Q Did that hearing go forward?</p> <p>15 A I'm sorry?</p> <p>16 A Did that hearing go forward?</p> <p>17 A That's correct.</p> <p>18 Q And when did that hearing go forward?</p> <p>19 A I don't recall when the date was. It was probably a</p> <p>20 couple weeks after the Garrity.</p> <p>21 Q And then what happened at the Loudermill Hearing?</p> <p>22 A They just told me the person who was conducting the</p> <p>23 meeting which was not the City Manager, I really don't</p> <p>24 know who he was. He just told me that they didn't</p> <p>25 believe anything I had to say and that concluded the</p>

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Page 31	<p>1 meeting.</p> <p>2 Q Did you ever receive written charges?</p> <p>3 A No.</p> <p>4 Q No. Did you appeal the discipline?</p> <p>5 A The Union sent me an email. At first, they had a</p> <p>6 representative from the Union. I can't remember his</p> <p>7 name. He was a retired policeman with the City of</p> <p>8 Woodhaven that somehow he managed to become our</p> <p>9 bargaining agent for same city that he retired from and</p> <p>10 he left the Union, so I had no representation and then at</p> <p>11 the time I was told by the full-time Union representative</p> <p>12 that Gerald James would be overseeing my case with the</p> <p>13 City of Woodhaven.</p> <p>14 Q Did Gerald James work for the City of Woodhaven?</p> <p>15 A No. He was a representative with the Michigan</p> <p>16 Association of Fire Fighters.</p> <p>17 Q And what did they have to do with your Union procedure,</p> <p>18 if you know?</p> <p>19 A Because it was a discharge and I don't recall seeing what</p> <p>20 the process was, my understanding is that I was</p> <p>21 represented by the business agent for the Union and</p> <p>22 because he left, they were going to have Gerald James</p> <p>23 look at it and he was going to look into the matter and</p> <p>24 then they abruptly turned it over to somebody else which</p> <p>25 I don't remember what his name is.</p>	Page 33	<p>1 hearing that they had. I don't remember what they called</p> <p>2 it. It was another meeting.</p> <p>3 Q And what happened at that meeting?</p> <p>4 A The gentleman that was my representative said that we're</p> <p>5 going to tell them that their allegations are baseless,</p> <p>6 that there's nothing to support whatever their</p> <p>7 allegations are and that we're going to proceed through</p> <p>8 the process.</p> <p>9 Q Is that process still ongoing or is it concluded?</p> <p>10 A No. I received a letter from the Union stating that they</p> <p>11 were not going to pursue the grievance.</p> <p>12 Q And when did you receive that letter?</p> <p>13 A It was an email.</p> <p>14 Q Do you know when you received that?</p> <p>15 A Probably about three weeks ago.</p> <p>16 Q And is there any appeal process or is that the end of the</p> <p>17 grievance procedure?</p> <p>18 A I thought about contacting the Michigan Employment</p> <p>19 Relations Commission to challenge the Union's decision</p> <p>20 and the Employer's decision to terminate initially.</p> <p>21 Q And did you contact MERC?</p> <p>22 A Not yet.</p> <p>23 Q So is that something you're still considering?</p> <p>24 A I've have issues with this Union before when I was</p> <p>25 working with the City of Flat Rock which was in between</p>
Page 32	<p>1 Q So it went from Gerald James to somebody else?</p> <p>2 A That's correct.</p> <p>3 Q What Union were you in at Woodhaven?</p> <p>4 A The Michigan Association of Fire Fighters.</p> <p>5 Q Do you know how the Hearing Officer – I don't know if</p> <p>6 that's the right term. Are they called Hearing Officers?</p> <p>7 Do you know what they're called that oversee the</p> <p>8 discipline cases?</p> <p>9 A To my understanding, they're referred to as a business</p> <p>10 agent.</p> <p>11 Q So Gerald James would have been the business agent?</p> <p>12 A I don't know what his title is there, but he was assuming</p> <p>13 the role.</p> <p>14 Q Okay. And do you know how the business agent position</p> <p>15 is, like, are there more than one business agent?</p> <p>16 A I have no idea what their organizational structure is.</p> <p>17 Q And for your Union was there a Local or was it just</p> <p>18 Michigan Association of Fire Fighters?</p> <p>19 A It was a Local.</p> <p>20 Q And do you know your Local?</p> <p>21 A I don't recall what the number was.</p> <p>22 Q Okay. And so then it went from Gerald James to somebody</p> <p>23 else and you said you don't recall that individual's</p> <p>24 name. Correct?</p> <p>25 A That's correct. I met him one time. It was another</p>	Page 34	<p>1 Riverview and Woodhaven.</p> <p>2 Q Let's talk about you said City of Flat Rock?</p> <p>3 A That's correct.</p> <p>4 Q And when did you work for the City of Flat Rock?</p> <p>5 A Around the time that I was discharged from Riverview. I</p> <p>6 would say probably 2016.</p> <p>7 Q And when did you leave the City of Flat Rock?</p> <p>8 A I was there for pretty much the duration of the time that</p> <p>9 I was terminated from Riverview, so around the time when</p> <p>10 I think it was the summer or the fall of 2017.</p> <p>11 Q So did you leave Flat Rock when you went back to</p> <p>12 Riverview?</p> <p>13 A No. I was actually maintaining employment with three</p> <p>14 departments.</p> <p>15 Q So you maintained employment with Flat Rock while still</p> <p>16 at Riverview?</p> <p>17 A When I was coming back to Riverview.</p> <p>18 Q Are you still working with Flat Rock?</p> <p>19 A No.</p> <p>20 Q Do you know when that employment relationship ended?</p> <p>21 A I want to say I know they weren't happy with the fact</p> <p>22 that I told them that I was returning to Detroit, that I</p> <p>23 was pursuing returning back to the City of Detroit. I</p> <p>24 want to say, you know, honestly, I don't recall the exact</p> <p>25 date.</p>

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Page 35	<p>1 Q Can you give me a year; 2017, 2018?</p> <p>2 A Probably 2018.</p> <p>3 Q And why did you leave the City of Flat Rock?</p> <p>4 A I was supposed to come off probation the preceding year</p> <p>5 which was 2017 on or about December 6th or 7th. I made</p> <p>6 an agreement to have a 12-month probation. At that time,</p> <p>7 I would come off probation and be on the roster as a</p> <p>8 part-time fireman/paramedic.</p> <p>9 My probation was extended, but it was</p> <p>10 never articulated to me why and the Union declined to</p> <p>11 file a grievance to force the city to decide if I was</p> <p>12 going to be coming off probation or not. After returning</p> <p>13 from a call where a seven year old was unresponsive in a</p> <p>14 mobile home park, there was some issue with the response</p> <p>15 time and the next day I was interviewed by the Assistant</p> <p>16 Chief who was assuming the role of the Chief because the</p> <p>17 current Chief Vack, V-a-c-k, William Vack, was on medical</p> <p>18 and the then Chief who is now the Mayor was assuming the</p> <p>19 role of the Fire Chief and terminated my employment as a</p> <p>20 result of their investigation about the call.</p> <p>21 Q And go ahead. You said it was alleged. What was the</p> <p>22 allegation?</p> <p>23 A That I was encouraging the woman to file a complaint</p> <p>24 against the city for the poor response time which I</p> <p>25 didn't do.</p>	Page 37	<p>1 Flat Rock Fire Department and when I asked fire fighter</p> <p>2 Tim Webb who was the Union President for our Local, he</p> <p>3 said that I would have to talk to Mr. O'Connor about it</p> <p>4 and when I spoke to him, Mr. O'Connor, I said, "You know,</p> <p>5 I went through a lot with this department with harassment</p> <p>6 and changing the guidelines to complete probation and all</p> <p>7 the other things that happened during my employment</p> <p>8 there, including comments that were made and things that</p> <p>9 were said that were outrageous."</p> <p>10 He stated to me, "Why would you want to</p> <p>11 work for a department like that anyway," which to me it</p> <p>12 didn't seem like, my perception is that they weren't</p> <p>13 going to pursue any grievance for the discharge.</p> <p>14 Q So for their grievance process would you have to file a</p> <p>15 grievance or is it the Union's choice?</p> <p>16 A To my understanding, it's the Union's choice if they're</p> <p>17 going to pursue filing a grievance.</p> <p>18 Q And did they pursue filing a grievance in that case?</p> <p>19 A No.</p> <p>20 Q So you were discharged from Flat Rock. Did anything</p> <p>21 occur after that?</p> <p>22 A Could you repeat that?</p> <p>23 Q After you were discharged from Flat Rock, did you have</p> <p>24 any other interaction with Flat Rock?</p> <p>25 A I had a lawsuit pending after my discharge.</p>
Page 36	<p>1 Q And did you receive written discipline in that case?</p> <p>2 A I heard that there was some complaint that a Sergeant</p> <p>3 made about insubordination. I never seen anything, but</p> <p>4 it implied that we didn't do our station duties prior to</p> <p>5 the shift change which he was assuming command of the</p> <p>6 shift and the person who was in charge was a lower</p> <p>7 licensed level than me, but because of his seniority,</p> <p>8 that put him in charge and told we needed to do the</p> <p>9 duties and he found something better to do.</p> <p>10 Then when there was an issue about why</p> <p>11 those duties weren't done, I told him that he could just</p> <p>12 talk to the duty officer and he declined. He wanted to</p> <p>13 hear it from me and I told him I was working on my EMS</p> <p>14 report and that's what my delay was and he didn't like</p> <p>15 the answer I gave him.</p> <p>16 Q Did you have a partner on that run?</p> <p>17 A That's correct.</p> <p>18 Q And was your partner disciplined?</p> <p>19 A No.</p> <p>20 Q Were you in a Union at Flat Rock?</p> <p>21 A That's correct.</p> <p>22 Q And what was that Union?</p> <p>23 A Michigan Association of Fire Fighters.</p> <p>24 Q And did you appeal that discharge?</p> <p>25 A At the time, Joe O'Connor was the business agent for the</p>	Page 38	<p>1 Q Okay. And what were the claims in that lawsuit?</p> <p>2 A Well, the Fire Department was operating with expired</p> <p>3 equipment which I repeatedly reported and the day after</p> <p>4 my discharge, two people were murdered in the community</p> <p>5 and the response was from an ambulance that had under-</p> <p>6 licensed personnel in an ambulance that was set up for</p> <p>7 advanced life support and their concern was that I was</p> <p>8 going to report it to the State if they didn't make those</p> <p>9 changes. I had done - I'm sorry. Your question?</p> <p>10 Q No, go ahead. You can continue. I didn't mean to cut</p> <p>11 you off.</p> <p>12 A I just took issues with the department as an operator</p> <p>13 from the standpoint that I was reporting expired</p> <p>14 equipment as well as working with under-licensed staff</p> <p>15 doing procedures that were not in their scope of practice</p> <p>16 and I was uncomfortable with the fact that they were</p> <p>17 doing these procedures and then they would transfer care</p> <p>18 to me which I would essentially take the person to the</p> <p>19 hospital and have to explain, you know, what they did</p> <p>20 prior to me getting there and so on and so forth and I</p> <p>21 just kept raising the issue that at some point I wasn't</p> <p>22 trying to make decisions there for them, but I think that</p> <p>23 some other Commander made some poor decisions as far as</p> <p>24 transferring care to lower licensed personnel which</p> <p>25 they're not supposed to do and just different things like</p>

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<p style="text-align: right;">Page 39</p> <p>1 that and then they just wanted me to explain it and I</p> <p>2 just didn't feel comfortable doing it.</p> <p>3 Q And what was the result of that lawsuit?</p> <p>4 A It was settled.</p> <p>5 Q And when was that lawsuit settled?</p> <p>6 A Officially, I don't know.</p> <p>7 Q Was it recently or a few years ago?</p> <p>8 A Recently.</p> <p>9 Q So would it be the last year or the year before?</p> <p>10 A This year.</p> <p>11 Q This year. So 2022 or 2023?</p> <p>12 A I stand corrected. It was 2022.</p> <p>13 Q I just want to make sure. One of those odd situations</p> <p>14 where that's actually relevant today, five days ago.</p> <p>15 A I just want to state if I can to the attorney that my</p> <p>16 employment with Flat Rock, the City of Flat Rock, was</p> <p>17 quite contentious because the first day that I started</p> <p>18 there, one of the Sergeants, Ray Rich, approached me and</p> <p>19 said, he stated, "I don't like what you did in the City</p> <p>20 of Detroit and I don't like what you did in Riverview and</p> <p>21 I'm not going to tolerate any of that here. If I feel</p> <p>22 that you're going to do any of those things, you're going</p> <p>23 to be out of here."</p> <p>24 Q Go ahead. I'm just going to ask, who's Ray did you say</p> <p>25 Rick or Rich?</p>	<p style="text-align: right;">Page 41</p> <p>1 I brought awareness to the community</p> <p>2 through Facebook that there were issues with staffing and</p> <p>3 that if they needed an ambulance, that they needed to</p> <p>4 raise their concerns with City Hall. I was a Union</p> <p>5 representative at the time. My activities were</p> <p>6 protected.</p> <p>7 I felt that it was a danger to the public</p> <p>8 and they had a right to know and in Flat Rock it was the</p> <p>9 issue about the fact that this lady called for an</p> <p>10 ambulance and one didn't show up because the police</p> <p>11 department failed to initiate the ambulance response and</p> <p>12 the call was held up and they took issue with the fact</p> <p>13 that if I raised concerns about the response times and</p> <p>14 lack of response times in the City of Detroit, that I</p> <p>15 could potentially do that in the City of Flat Rock.</p> <p>16 MR. SHEAROUSE: Jason, real quick, can we</p> <p>17 take a quick five minute break so that I can get some</p> <p>18 more water?</p> <p>19 MR. MCFARLANE: Sure, no problem. We'll</p> <p>20 come back at 11:10.</p> <p>21 MR. SHEAROUSE: Thank you.</p> <p>22 (At 11:04 a.m., recess taken)</p> <p>23 (At 11:13 a.m., back on the record)</p> <p>24 Q (By Mr. McFarlane) Let's continue where we left off, Mr.</p> <p>25 Cadoura. Where did you work after the City of Riverview?</p>
<p style="text-align: right;">Page 40</p> <p>1 A Rich; R-i-c-h.</p> <p>2 Q And who is that?</p> <p>3 A He was a Sergeant with the Flat Rock Fire Department. I</p> <p>4 never had any interactions with him outside of that.</p> <p>5 Q Was he your Sergeant?</p> <p>6 A He was one of the command officers that was there, not</p> <p>7 directly over me that particular day. I believe I was</p> <p>8 there to secure some equipment, you know, like PPE they</p> <p>9 call it, Personal Protective Equipment, to start</p> <p>10 responding to calls and uniforms and so on.</p> <p>11 Q And you said you had no interaction with him after that</p> <p>12 date?</p> <p>13 A That particular day, but as I would come in from home</p> <p>14 responding to calls, I would have direct interaction with</p> <p>15 him until they put me on shift which happened about six</p> <p>16 months. With all due respect, there seemed to be some</p> <p>17 theme where even with my employment with the City of</p> <p>18 Detroit that there was an issue with response times and</p> <p>19 personnel and other issues as far as, you know, the</p> <p>20 ambulances running, are they equipped to run, were there</p> <p>21 enough, were they available, and the issue with Riverview</p> <p>22 was the fact that they were concerned about if I was</p> <p>23 going to be able to dedicate a time because they were</p> <p>24 down an ambulance every day which was part of the reason</p> <p>25 why I was originally discharged.</p>	<p style="text-align: right;">Page 42</p> <p>1 A I was still employed with the Woodhaven Fire Department</p> <p>2 and Flat Rock.</p> <p>3 Q And was that in 2018?</p> <p>4 A In the beginning.</p> <p>5 Q And are you employed by Woodhaven and Flat Rock still?</p> <p>6 A No.</p> <p>7 Q Are you currently employed?</p> <p>8 A That's correct.</p> <p>9 Q And where are you currently employed?</p> <p>10 A At Octapharma Plasma.</p> <p>11 Q And can you spell that?</p> <p>12 A O-c-t-a-p-h-a-r-m-a.</p> <p>13 Q And what did you do there?</p> <p>14 A I'm what's referred to as a physician substitute.</p> <p>15 Q And what are your job duties?</p> <p>16 A To perform physicals on prospective plasma donation</p> <p>17 candidates.</p> <p>18 Q And when did you start working there?</p> <p>19 A I believe it was August 2021.</p> <p>20 Q Was there ever a time where you were unemployed from any</p> <p>21 position? Was there ever a time where you went without</p> <p>22 an employer?</p> <p>23 A No.</p> <p>24 Q Okay. So between where you are – any other positions</p> <p>25 that you are currently employed other than Octapharma</p>

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<p>1 Plasma?</p> <p>2 A No.</p> <p>3 Q Okay. So how many hours do you work there?</p> <p>4 A Anywhere between, well, we're required to work full-time</p> <p>5 hours which is anywhere between 32 and 40.</p> <p>6 Q And how many hours do you actually work?</p> <p>7 A It was a busy time this last year. They were low on the</p> <p>8 position that I carry and I was promoted to a travel</p> <p>9 position substitute, so I would travel to different</p> <p>10 centers.</p> <p>11 They're required to have medical staff on</p> <p>12 site in order to stay open and without medical personnel</p> <p>13 on staff, they can't operate.</p> <p>14 Q So how many hours were you putting in a week?</p> <p>15 A Anywhere between 40 and 70.</p> <p>16 Q And are you paid hourly or salary?</p> <p>17 A Hourly.</p> <p>18 Q And what's your hourly rate?</p> <p>19 A Probably anywhere between I think the last that I knew</p> <p>20 was \$30.57 an hour.</p> <p>21 Q I'm sorry. I missed that. Could you repeat that?</p> <p>22 A \$30.57 per hour.</p> <p>23 Q And do you have any benefits?</p> <p>24 A Full-time health benefits.</p> <p>25 Q Any dental?</p>	<p>1 would be required to be stationed and they had some of</p> <p>2 the highest recording Benzene levels in the world which</p> <p>3 are toxic and I just didn't want to be exposed to.</p> <p>4 Q After, other than that, have you done any other</p> <p>5 employers?</p> <p>6 A I worked for Hillsdale County EMS.</p> <p>7 Q And when did you work for Hillsdale?</p> <p>8 A It was a couple months.</p> <p>9 Q And why did you leave Hillsdale?</p> <p>10 A The pay.</p> <p>11 Q And where did you go when you left Hillsdale?</p> <p>12 A Well, I was still working with Woodhaven.</p> <p>13 Q When did you leave Woodhaven?</p> <p>14 A I believe it was October or November of last year, 2022.</p> <p>15 Q And why did you leave Woodhaven?</p> <p>16 A I was discharged.</p> <p>17 Q Have we talked about that one already?</p> <p>18 A That's correct.</p> <p>19 Q I'm just trying to make sure. I got it. Okay. Any</p> <p>20 other employers between Riverview and present?</p> <p>21 A That I can recall off the top of my head, no.</p> <p>22 Q Okay.</p> <p>23 A I was working with Riverview when I became a paramedic in</p> <p>24 2008, so my employment with them ran concurrent with</p> <p>25 Detroit up until I thought was my</p>
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<p>1 A Yes.</p> <p>2 Q Any vision?</p> <p>3 A Yes.</p> <p>4 Q Any pension or 401(k)?</p> <p>5 A 401(k).</p> <p>6 Q And were there any other employers that we haven't</p> <p>7 discussed between Riverview and Octapharma Plasma?</p> <p>8 A I worked for a company called DM Care Express.</p> <p>9 Q Okay. And when did you work for them?</p> <p>10 A I'd probably say anywhere between 2015 and 2017.</p> <p>11 Q And what did you do there?</p> <p>12 A I was part of the event staff. I was a paramedic.</p> <p>13 Q And why did you leave DM Care?</p> <p>14 A A scheduling conflict between Woodhaven and Flat Rock.</p> <p>15 Q Are there any other employers that we haven't discussed?</p> <p>16 A U.S. Steel.</p> <p>17 Q And when did you work at U.S. Steel?</p> <p>18 A I would say in the spring of 2017.</p> <p>19 Q And how long did you work at U.S. Steel?</p> <p>20 A About two weeks, a little over two weeks.</p> <p>21 Q And why did that employment end?</p> <p>22 A I resigned because I would not climb a 30-story blast</p> <p>23 furnace without a safety harness. I thought the safety</p> <p>24 standards there were lacking. I didn't think that – not</p> <p>25 to mention, Zug Island is one of their facilities which I</p>	<p>1 resignation/termination. I really don't know what you</p> <p>2 call it.</p> <p>3 Q Did you fill out any documents when you left the City of</p> <p>4 Detroit?</p> <p>5 A At the time they switched over to a computer system where</p> <p>6 we would clock in and clock out and we used to sign in on</p> <p>7 a sheet, a payroll sheet, and then we would log into the</p> <p>8 journal which would open and close a shift and then we</p> <p>9 would record any overtime and so on and then they</p> <p>10 switched to a computer system where we would clock in and</p> <p>11 clock out and then anything that the administration would</p> <p>12 need, we would do – it was a fairly new computer system,</p> <p>13 so I was still trying to figure it out.</p> <p>14 We still would write letters and so on as</p> <p>15 requested because they would have to initiate multiple</p> <p>16 copies and then they would have to sign one. They would</p> <p>17 have to sign them all and then return one to us and then</p> <p>18 keep the other two.</p> <p>19 Q When you resigned from the City of Detroit did you fill</p> <p>20 out a resignation form?</p> <p>21 A I wrote a letter. I either wrote it or I sent it in an</p> <p>22 email. I don't recall which one because I never received</p> <p>23 a copy, to my knowledge.</p> <p>24 Q I'm going to show you we'll mark – I think we're on</p> <p>25 Exhibit 5 if I'm correct?</p>

13 (Pages 43 to 46)

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<p>1 REPORTER: Yes, Exhibit 5.</p> <p>2 (At 11:23 a.m., Defendant's</p> <p>3 Exhibit 5 marked)</p> <p>4 Q (By Mr. McFarlane) Let me share this. Have you seen</p> <p>5 this document before, sir?</p> <p>6 A I don't remember it, but it does look like my writing.</p> <p>7 Q Does this appear to be your signature here?</p> <p>8 A That's correct.</p> <p>9 Q Okay. Have you ever seen this document filled out below</p> <p>10 your signature before?</p> <p>11 A No.</p> <p>12 Q Have you ever requested your personnel file from the City</p> <p>13 of Detroit?</p> <p>14 A I did.</p> <p>15 Q And when did you do that?</p> <p>16 A After I was told that I couldn't return to the department</p> <p>17 when I received a call from Ms. Brown.</p> <p>18 Q And did you ever receive a copy of that personnel file?</p> <p>19 A I did from the City of Detroit Law Department, not from</p> <p>20 the Fire Department. I received a call from an attorney</p> <p>21 from the Law Department and when I called her back – I</p> <p>22 don't recall what her name was, but she said I'm looking</p> <p>23 at a FOIA request for your employee file and I said,</p> <p>24 "That's correct." She said, "I'm curious why they just</p> <p>25 didn't give it to you, why they forwarded it here." I</p>	<p>1 accommodated for time off and the money was good for the</p> <p>2 position that I was carrying and to be honest with you, I</p> <p>3 carried a lot of responsibility. I haven't found a job</p> <p>4 like that since. I enjoy what I do at the plasma center,</p> <p>5 but that job was the best.</p> <p>6 The money, I was very well paid by the</p> <p>7 City. What I wanted to do was to become a paramedic to</p> <p>8 make more, carry on more responsibility. I wanted to</p> <p>9 transfer to the Fire Fighting Division, which I wasn't</p> <p>10 allowed to do, but there was no growth and there was no</p> <p>11 opportunity to promote to Lieutenant or maybe even a</p> <p>12 Captain and I wanted to retire from that place and I</p> <p>13 would have been doing it this year.</p> <p>14 Damages are far more than economic. I</p> <p>15 loved that place.</p> <p>16 Q Let's take it in turn. So economic damages, what</p> <p>17 specific damages regarding economics? Are there any that</p> <p>18 you can tell me that you're claiming here?</p> <p>19 A I believe so. I believe that if I was able to follow the</p> <p>20 natural progression from being a paramedic which their</p> <p>21 pay last I was made aware was around \$28, and that I was</p> <p>22 told with the ability – they asked me upon returning if I</p> <p>23 was going to consider going to the Fire Academy, which I</p> <p>24 expressed interest that I was going to try to become a</p> <p>25 fireman there and they now have a cross-position pay</p>
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<p>1 said, "I don't have a clue either." Then she said, "Give</p> <p>2 us about two weeks to review the file to make sure that</p> <p>3 nobody else's names or anything appears in there and that</p> <p>4 it doesn't violate HIPPA," or, I'm sorry, not HIPPA, the</p> <p>5 guidelines, the federal guidelines for the collection of</p> <p>6 information on our EMS run reports as well as just</p> <p>7 protecting the names of other technicians and so on.</p> <p>8 Then I was told that the file was ready to</p> <p>9 be picked up. I went down to, I believe, the City-County</p> <p>10 Building. I was told that I had to pay ten cents per</p> <p>11 page, I believe. They told me it was \$33.00 I believe</p> <p>12 and .10 cents because it was 300 or so pages.</p> <p>13 Q Okay. I want to talk about the damages that you're</p> <p>14 alleging in this case. Are there any economic damages</p> <p>15 that you're alleging you suffered in this lawsuit?</p> <p>16 A I want to be clear that serving with the Detroit Fire</p> <p>17 Department was probably by far the best job that I ever</p> <p>18 had. It was an honor and a privilege serving the</p> <p>19 community, being recognized as an Emergency Medical</p> <p>20 Technician with the Fire Department and as a result of</p> <p>21 things that went on over there with, you know, the</p> <p>22 exposure of the response times and the personnel issues</p> <p>23 and everything else that went on there, the job schedule</p> <p>24 was, I mean, to nobody else.</p> <p>25 We had the best schedule ever that</p>	<p>1 which was an increase.</p> <p>2 I was talking to somebody the other day. I</p> <p>3 can't remember who it was. In passing they said that a</p> <p>4 lot of people were leaving the job because they were</p> <p>5 promised crossover pay which is crossover meaning that</p> <p>6 you're a fire fighter and you're an EMT or you're a</p> <p>7 firefighter and you're a paramedic and that they hire</p> <p>8 people at a higher rate than what the current EMT</p> <p>9 position carries or what the current paramedic position</p> <p>10 carries and, I mean, I could have been a fireman there</p> <p>11 working eight days a month and could have pursued outside</p> <p>12 employment if I wanted to or worked overtime when it</p> <p>13 became available.</p> <p>14 I really don't know what the possibilities</p> <p>15 could have been financially or personally. I mean, to</p> <p>16 try to obtain one of the highest positions in the Fire</p> <p>17 Department, I worked with Mr. Larkins who is the current</p> <p>18 sitting EMS Administrator and he was my paramedic</p> <p>19 partner.</p> <p>20 I worked with him for years. I thought it</p> <p>21 was the greatest thing that he got promoted to be the EMS</p> <p>22 Chief there. Did I have aspirations of joining his</p> <p>23 administration some day and possibly passing down what I</p> <p>24 learned on the job to younger people to make it a safer</p> <p>25 environment for them, I really don't know what would</p>

14 (Pages 47 to 50)

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Page 51	<p>1 happen.</p> <p>2 Q Okay. You talk about emotional or psychological damages.</p> <p>3 Are you claiming any of those here?</p> <p>4 A I don't know if that's included, but I can tell you</p> <p>5 respectfully, that is a highly trained Fire Department.</p> <p>6 The things that we do there are not done anywhere. When</p> <p>7 I applied with other departments to go work, they had a</p> <p>8 real problem with the fact that I did some things that</p> <p>9 they'll never do in their entire career and it was just</p> <p>10 over one weekend, so there was a lot of backlash with the</p> <p>11 experience that I had from Detroit.</p> <p>12 There were a lot of people that talked</p> <p>13 about wanting to work there, but they didn't have the</p> <p>14 courage to go through the training or to even apply let</p> <p>15 alone go through the training and pass it to become one</p> <p>16 of the best EMTs or firemen or paramedics in the world.</p> <p>17 I would put them against people in New</p> <p>18 York, LA, Miami, anywhere, and because of the things that</p> <p>19 happened in Detroit as far as being on TV, being on the</p> <p>20 news, and reporting the issues that were going on there,</p> <p>21 maybe my employers took notice of that and that I could</p> <p>22 possibly potentially do that at their place of employment</p> <p>23 which they did have issues like the City of Detroit did.</p> <p>24 No other departments are immune from the</p> <p>25 type of problems that the City of Detroit had with</p>	Page 53	<p>1 He seemed enthusiastic at the time. There was a – I</p> <p>2 don't remember his first name, but his last name was</p> <p>3 Kazinski (phonetic), I believe.</p> <p>4 Kazinski. I'm not sure how to spell that.</p> <p>5 It starts with a K, and we messaged back and forth on the</p> <p>6 Facebook messenger and he told me that they needed me to</p> <p>7 come back to mentor some of the younger kids that didn't</p> <p>8 know what we experienced and what we went through.</p> <p>9 Between those years after I exposed the</p> <p>10 issues with a fellow co-worker about the issues with</p> <p>11 response times and so on that was going on, so I believe</p> <p>12 that there was a positive element to me returning.</p> <p>13 I'm not, you know, the second coming,</p> <p>14 respectfully. I'm not the - I'm just one person, but I</p> <p>15 believe that when I worked there, I had a lot of</p> <p>16 credibility, had a lot of respect from the people that I</p> <p>17 worked with and I was going to do my part to help move</p> <p>18 the department forward and not knowing that I wasn't</p> <p>19 going to be able to come back for whatever reason, I was</p> <p>20 devastated.</p> <p>21 I believe that I started my EMS career</p> <p>22 there even though I had a couple of years experience</p> <p>23 with, you know, Community Ambulance and Health Link, but</p> <p>24 I believe that the day that I started that job with</p> <p>25 Detroit was really the beginning of my career and I</p>
Page 52	<p>1 personnel issues, staffing, the vehicles, maintenance,</p> <p>2 and response times. I mean, it's a problem nationally.</p> <p>3 Q Have you sought – I'm sorry. I thought you were done.</p> <p>4 A No. I think – I don't think I ever really left there. I</p> <p>5 think that my heart and my mind was always there. I was</p> <p>6 still concerned about the personnel during COVID and</p> <p>7 whatever issues were happening and I felt helpless.</p> <p>8 Like, I couldn't do anything for them. I felt that I</p> <p>9 should have been there working with them.</p> <p>10 Q Have you sought any treatment for any emotional or</p> <p>11 psychological injuries?</p> <p>12 A I was diagnosed with PTSD.</p> <p>13 Q And when was that?</p> <p>14 A I don't recall. Probably sometime after I left.</p> <p>15 Q Was that prior to the events of this lawsuit?</p> <p>16 A That's correct.</p> <p>17 Q Have you sought any treatment after the events of this</p> <p>18 lawsuit?</p> <p>19 A Just, you know, I received a lot of calls from people</p> <p>20 that either were still currently working there or had</p> <p>21 worked there. They stated that they heard I was coming</p> <p>22 back. There seemed some element of excitement. I</p> <p>23 messaged Joe Barney on Facebook messenger.</p> <p>24 I told him that I appreciated any possible</p> <p>25 way that he could help, you know, in returning me back.</p>	Page 54	<p>1 wanted it to end there.</p> <p>2 Q So after you were told that you couldn't return to the</p> <p>3 City of Detroit, did you seek any treatment for any</p> <p>4 emotional or psychological injuries?</p> <p>5 A I talked to a therapist about, you know, that issue. I</p> <p>6 also tried talking to the EAP representative, I believe,</p> <p>7 assistance. It was through the Chaplin Core with the</p> <p>8 Detroit Fire Department at the time. He's now deceased.</p> <p>9 At the time it was Reverend McNeely. M-c-N-e-e-l-y, I</p> <p>10 believe. I went and spoke to him personally, told him</p> <p>11 that I couldn't understand the issues that I was going</p> <p>12 through with the Fire Department as far as the repeated</p> <p>13 discipline, the suspensions, just the overall treatment</p> <p>14 from some of my Lieutenants and Captains and there was a</p> <p>15 fair percentage of them that were providing the</p> <p>16 information to leak to the media about some of the</p> <p>17 current situations that were going on in the department.</p> <p>18 Why they didn't go and report those issues</p> <p>19 themselves, I don't know.</p> <p>20 Q When did you speak to Reverend McNeely?</p> <p>21 A I believe when I was on light duty as a result of not</p> <p>22 being able to shave every day. They wanted me to wear a</p> <p>23 hood in the event that we were exposed to somebody who</p> <p>24 was having symptoms of hepatitis or tuberculosis, that we</p> <p>25 would have to don our respiratory protection and to my</p>

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<p>1 understanding that those filters were one time use.</p> <p>2 Those things were very expensive for the City to buy and</p> <p>3 they claimed that they would only buy one for me and</p> <p>4 wouldn't pay for the replacement filters or cartridges</p> <p>5 and there were other people that had them and never used</p> <p>6 them, but I spoke to Reverend McNeely about the issues</p> <p>7 that were going on.</p> <p>8 He said that he would talk to some of the</p> <p>9 administrators to find out what the issues were. I spoke</p> <p>10 with the Commissioner. Well, actually, I never met the</p> <p>11 Commissioner although every time I faced a suspension or</p> <p>12 I was placed off duty for talking to somebody in the</p> <p>13 media or it was alleged that I was talking to somebody</p> <p>14 from the media, I would immediately be placed on</p> <p>15 administrative leave pending a Commissioner's hearing.</p> <p>16 I never actually – the only Commissioner</p> <p>17 that I ever met was Don Austin. He was a Fire</p> <p>18 Commissioner for a short time. I met him on duty as well</p> <p>19 as off duty to address my concerns about the issues that</p> <p>20 were going on relevant to my discipline, my multiple</p> <p>21 suspensions.</p> <p>22 It just seemed like there was no</p> <p>23 resolution to anything that was going on there. If I</p> <p>24 would be called in because I was being disciplined, the</p> <p>25 first thing they would tell me is that it's not</p>	<p>1 didn't have insurance after I left the City, which again</p> <p>2 was a hardship. They have very good health insurance. I</p> <p>3 didn't pay anything for like ten years, and they started</p> <p>4 charging us or having, you know, I don't know what they</p> <p>5 call it, not co-pays, but we would have to pay a certain</p> <p>6 amount for our insurance which wasn't a big deal.</p> <p>7 You know, we were very well paid, so I</p> <p>8 didn't have an issue with that, but when I went on</p> <p>9 Medicaid, I had to go to a guidance center that accepted</p> <p>10 people without insurance.</p> <p>11 Q And when was that?</p> <p>12 A Probably – I don't recall, honestly.</p> <p>13 Q You got a year?</p> <p>14 A It might have been about 2018 right around the time when</p> <p>15 I knew that I wasn't coming back to the City.</p> <p>16 Q And who did you see in 2018?</p> <p>17 A I don't recall her name.</p> <p>18 Q And what was the place you went to?</p> <p>19 A The Guidance Center.</p> <p>20 Q And where is that located?</p> <p>21 A In Southgate.</p> <p>22 Q And you saw, you said it was a female doctor?</p> <p>23 A It was a therapist. Well, there was a psychiatrist</p> <p>24 there. I spoke with her briefly and there was a</p> <p>25 therapist that they assigned me.</p>
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<p>1 adversarial. They would tell me what the charge is, what</p> <p>2 the penalty is, and then I would go on immediate</p> <p>3 suspension without being able to explain the situation to</p> <p>4 determine if there was a misunderstanding or something</p> <p>5 that could have resolved the issue and I could have been</p> <p>6 replaced back to duty.</p> <p>7 It did happen one time which I was shocked</p> <p>8 that I was returned back to the field and not suspended.</p> <p>9 Q And is it fair to say that you met with Reverend McNeely</p> <p>10 before you resigned from the City?</p> <p>11 A That's correct. I was assigned to Fire Department</p> <p>12 Headquarters which was at 250 West Larned. It's</p> <p>13 currently not in existence anymore, but at the time I was</p> <p>14 assigned there and had to carry out various</p> <p>15 administrative duties and he was on the same floor we</p> <p>16 were on.</p> <p>17 So I remember going to his office. I would</p> <p>18 say good morning to him every morning.</p> <p>19 Q You mentioned that you saw a therapist. When did you see</p> <p>20 a therapist?</p> <p>21 A I can't recall. Probably sometime after that.</p> <p>22 Q Was it prior to 2017?</p> <p>23 A That's correct.</p> <p>24 Q Have you seen a therapist since 2017?</p> <p>25 A I was seeing one and then I met a different one. I</p>	<p>1 Q And you don't recall her name?</p> <p>2 A No.</p> <p>3 Q And how many times did you see her?</p> <p>4 A Probably once a week.</p> <p>5 Q For how long?</p> <p>6 A Until we got insurance through HAP and then I was no</p> <p>7 longer on Medicaid, so I couldn't, we couldn't</p> <p>8 participate in that program anymore because of the fact</p> <p>9 that we have good health insurance.</p> <p>10 Q And when you say you got insurance, who did you get that</p> <p>11 insurance through?</p> <p>12 A HAP; Health Alliance Plan.</p> <p>13 Q Did you get that through an employer or on your own?</p> <p>14 A No, through my wife. She was employed with Henry Ford</p> <p>15 Hospital.</p> <p>16 Q And did you see anybody after that?</p> <p>17 A No.</p> <p>18 Q And do you recall approximately when your wife got that</p> <p>19 insurance?</p> <p>20 A I don't recall when she was employed there.</p> <p>21 Q Do you recall how many times you saw the therapist?</p> <p>22 A It was a handful of times. Maybe ten times, maybe less,</p> <p>23 maybe more. She took a position with the hospital, I</p> <p>24 believe, and the psychiatrist was leaving, too, and</p> <p>25 around that time they couldn't find – I think I spoke to</p>

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Page 59	<p>1 another lady.</p> <p>2 I can't remember her name. I think I</p> <p>3 spoke to her once.</p> <p>4 Q And were you ever diagnosed with anything from that</p> <p>5 therapist?</p> <p>6 A I believe they told me it was PTSD related from the job.</p> <p>7 Q Did they say specifically which job?</p> <p>8 A I don't recall. I focused a lot about the beginning of</p> <p>9 my career with the City of Detroit. It was the longest</p> <p>10 employer that I've had in the field that I practice in.</p> <p>11 Q Any other issues that you discussed other than the</p> <p>12 beginning of your employment?</p> <p>13 A We never really got that far in the ten or so visits. We</p> <p>14 were just, you know, just – she was trying to find out a</p> <p>15 little bit about me. I think the sessions were probably</p> <p>16 like 45 minutes, if that.</p> <p>17 Q Did you ever receive any written diagnosis or reports</p> <p>18 from that therapist?</p> <p>19 A Nothing from them. I mean, it was in my file there, but</p> <p>20 I never requested it.</p> <p>21 Q Any other therapists other than the one at the Guidance</p> <p>22 Center that you've spoken to?</p> <p>23 A There was just one before that like in the very</p> <p>24 beginning.</p> <p>25 Q And when was that?</p>	Page 61	<p>1 off for about ten years.</p> <p>2 Q Have you had any discussions regarding the complaints in</p> <p>3 your lawsuit with anybody other than your attorney?</p> <p>4 A To my knowledge, no.</p> <p>5 Q Do you have any written documents, notes, that were taken</p> <p>6 prior to the filing of this lawsuit?</p> <p>7 A I'm sorry. Repeat that one more time.</p> <p>8 Q Do you have any written notes or documents that you kept</p> <p>9 either typed or handwritten relating to this lawsuit that</p> <p>10 were created prior to the lawsuit?</p> <p>11 A No. The only person that I spoke to was Bill Harp. He</p> <p>12 was one of the representatives of the DFFA at the time.</p> <p>13 When I was reapplying with the City, I spoke to him to</p> <p>14 ask, you know, how I would go about reapplying with the</p> <p>15 City and he told me at this point there was nothing he</p> <p>16 could do to help me because I wasn't employed with the</p> <p>17 department and then that was it.</p> <p>18 I spoke with Kyle Fowle who I worked with</p> <p>19 at Woodhaven because at the time he was still working in</p> <p>20 Detroit.</p> <p>21 Q And what's Kyle Fowle's position?</p> <p>22 A Right now?</p> <p>23 Q When you spoke to him or right now. Either way?</p> <p>24 A He was a part-time fire fighter/paramedic like myself,</p> <p>25 but he was also -- I'm sorry. Say that again?</p>
Page 60	<p>1 A While I was working in Detroit.</p> <p>2 Q So that would be somewhere prior to 2013?</p> <p>3 A That's correct.</p> <p>4 Q Okay. You mentioned that you have social media. What</p> <p>5 social media do you have a subscription to or are you</p> <p>6 registered with?</p> <p>7 A Facebook, Instagram. I don't post. I just have family</p> <p>8 on there as friends and then I subscribe to some pages</p> <p>9 that deal with other Fire Departments, you know, to see</p> <p>10 how they operate, what the conditions are there, the</p> <p>11 types of things that they experience, you know, on the</p> <p>12 job.</p> <p>13 Just different ones. I don't really know</p> <p>14 how they do it, but it's like when they see you looking</p> <p>15 at something, they just start sending you more of it,</p> <p>16 more content, and just about, you know, diet and</p> <p>17 exercise, some law enforcement pages. I did have – I</p> <p>18 don't even know if you would classify it as an employer,</p> <p>19 but I was a reserve deputy with the Wayne County Sheriffs</p> <p>20 for about ten years, but I was never paid.</p> <p>21 It was voluntary. It was a community</p> <p>22 service position. The Chief at the time, I believe his</p> <p>23 name was Chief Stewart Rich who passed away last year</p> <p>24 towards the end of 2022. I don't remember exactly what</p> <p>25 month, but I did do community service with them on and</p>	Page 62	<p>1 Q What was his position with the City of Detroit?</p> <p>2 A Paramedic.</p> <p>3 Q Paramedic, and was he a full-time paramedic when you</p> <p>4 spoke to him?</p> <p>5 A That's correct.</p> <p>6 Q And is he still, if you know, employed with the City of</p> <p>7 Detroit?</p> <p>8 A No.</p> <p>9 Q And do you know why he's not employed by the City of</p> <p>10 Detroit?</p> <p>11 A To my understanding, he resigned to pursue outside</p> <p>12 employment with another full-time agency. Ironically, as</p> <p>13 close as him and I, I thought we were, you know, working</p> <p>14 at Riverview, not Riverview, Woodhaven, he wrote a letter</p> <p>15 that resulted in my suspension which led to my</p> <p>16 termination.</p> <p>17 Q And that's at Woodhaven?</p> <p>18 A That's correct. He told me about it the night before. I</p> <p>19 was placed on suspension the Monday of whatever month</p> <p>20 that was. Maybe September, October. He told me the day</p> <p>21 before that I was suspended that they were conducting an</p> <p>22 investigation about me and that he was forced to initiate</p> <p>23 a writeup, but at the time when him and I were working at</p> <p>24 Woodhaven and he was still employed with the City of</p> <p>25 Detroit, he says, "You need to get back on the job so we</p>

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Page 63	<p>1 can work together and then work there until we can</p> <p>2 retire."</p> <p>3 Q Anybody else that you spoke to about the allegations in</p> <p>4 this lawsuit?</p> <p>5 A I just had a conversation with he's a Lieutenant who was</p> <p>6 talking about retiring and told him that when he retired</p> <p>7 officially from the department that there would be a job</p> <p>8 at Octapharma if he wanted to come there.</p> <p>9 Q And what Lieutenant was that?</p> <p>10 A Steve Strong. We didn't discuss anything about anything</p> <p>11 to do with Detroit other than just he told me that he was</p> <p>12 going to stay past his retirement time.</p> <p>13 Q Did you guys discuss this lawsuit?</p> <p>14 A No, sir.</p> <p>15 Q Anybody else that you discussed this lawsuit, again,</p> <p>16 other than your attorneys?</p> <p>17 A You said before? Before the filing of the lawsuit?</p> <p>18 Q Yes. No, that's when I was asking about the written</p> <p>19 documents. I'm saying have you discussed this lawsuit</p> <p>20 with anybody other than your attorneys?</p> <p>21 A I spoke to a Lieutenant there. He's Arabic. I can't</p> <p>22 remember his name. We just talked briefly. I just asked</p> <p>23 him about how, you know, things were there, that I was in</p> <p>24 the process of trying to come back and then that was it.</p> <p>25 Q And when did you speak to him?</p>	Page 65	<p>1 up issues with certain policies that weren't being</p> <p>2 followed at Detroit. Is that correct, the Detroit Fire</p> <p>3 Department?</p> <p>4 A That's correct. It was brought to the public's attention</p> <p>5 because a news reporter who was looking into issues that</p> <p>6 were going on in the department, he wanted to challenge</p> <p>7 some of the things that he had heard as far as the</p> <p>8 Commissioners had claimed that they were following the</p> <p>9 national standard and they wanted to get video proof that</p> <p>10 it wasn't.</p> <p>11 Q And this national standard had to do with response times.</p> <p>12 Is that correct?</p> <p>13 A That's correct.</p> <p>14 Q Were there any other policies that Detroit was not</p> <p>15 following at that time, to your knowledge?</p> <p>16 A For a time they had radios in the ambulances where we</p> <p>17 were supposed to use to contact the hospital that were</p> <p>18 outside of the city and those were removed from the</p> <p>19 ambulances when they were putting newer ambulances into</p> <p>20 service. At the time, that was Chief Gary Kelly that</p> <p>21 instituted that and then they were later put back on</p> <p>22 because the issue was brought to a government</p> <p>23 organization called HEMS, which is H-E-M-S, and they sent</p> <p>24 the letter to the City stating that they heard that the</p> <p>25 radios were taken out and that they needed to be placed</p>
Page 64	<p>1 A It's been years.</p> <p>2 Q Any other discussions about this lawsuit with anybody</p> <p>3 other than your attorneys?</p> <p>4 A No. Not to my knowledge, no.</p> <p>5 MR. MCFARLANE: I'm going to take a break.</p> <p>6 I may be done. I'm going to take about a 15 minute or so</p> <p>7 minute break, so 12:10. Everybody is good?</p> <p>8 MR. SHEAROUSE: That works for me.</p> <p>9 MR. MCFARLANE: All right.</p> <p>10 (At 11:54 a.m., recess taken)</p> <p>11 (At 12:11 p.m., back on the record)</p> <p>12 MR. MCFARLANE: Back on the record, Tammy?</p> <p>13 REPORTER: Yes.</p> <p>14 MR. MCFARLANE: I have no further</p> <p>15 questions.</p> <p>16 MR. SHEAROUSE: I just have a few follow-</p> <p>17 up questions.</p> <p>18 EXAMINATION</p> <p>19 BY MR. SHEAROUSE:</p> <p>20 Q Mr. Cadoura, thank you for your time here today. I know</p> <p>21 we discussed a lot about your employment history as well</p> <p>22 as some of the issues that you've had at the various</p> <p>23 places of employment. Could you just briefly describe to</p> <p>24 me, I know we had mentioned earlier that you complained</p> <p>25 or I shouldn't say complained – strike that, you brought</p>	Page 66	<p>1 back in immediately.</p> <p>2 Q And at Detroit did you notice any issues with under-</p> <p>3 licensing of EMTs or paramedics?</p> <p>4 A They were putting us in Crown Victorias which were</p> <p>5 refurbished police cars that they turned into</p> <p>6 administrative cars for the Lieutenants and Captains and</p> <p>7 the Fire Chiefs and they wanted us to respond to calls</p> <p>8 with limited equipment. They weren't even – the</p> <p>9 ambulance is licensed based on the State.</p> <p>10</p> <p>11 If you don't have an ambulance where you</p> <p>12 can put somebody in to transport them to the hospital,</p> <p>13 they refer to that as a Romeo unit. The standard</p> <p>14 spelling R-o-m-e-o, and that is two licensed EMTs that</p> <p>15 can only respond as first responders, but could not put</p> <p>16 them in the vehicle and transport them to the hospital.</p> <p>17 I worked on those vehicles many times.</p> <p>18 Sometimes we were the subject of criticism by the public</p> <p>19 because they're essentially waiting for an ambulance and</p> <p>20 all we were doing was trying to render care while we're</p> <p>21 waiting for an ambulance which was the phrase that we</p> <p>22 heard a lot which was, "no units available City-wide or</p> <p>23 just no units available," and so on.</p> <p>24 MR. SHEAROUSE: I don't think I have</p> <p>25 anything further.</p>

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<p style="text-align: right;">Page 67</p> <p>1 MR. MCFARLANE: I have no further 2 questions. 3 (At 12:15 p.m., deposition concluded) 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	
<p style="text-align: right;">Page 68</p> <p style="text-align: center;">C E R T I F I C A T I O N</p> <p>(STATE OF MICHIGAN) (COUNTY OF OAKLAND)</p> <p>I certify that this transcript, consisting of 68 pages, is a complete, true and correct record of the deposition testimony of RICHARD CADOURA taken in this case by Zoom video conferencing on Thursday, January 5, 2023. The term "inaudible" is used where audio fades out or audio interference causes testimony to be unintelligible.</p> <p>I further certify that prior to taking this deposition, RICHARD CADOURA was duly sworn to tell the truth, the whole truth and nothing but the truth.</p> <p>1-5-23 <i>Tamara A. O'Connor</i></p> <hr/> <p>Date TAMARA A. O'CONNOR, CSMR-2656, CER-2656 Notary Public My Commission Expires: 6-25-27 to*</p>	

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Detroit Fire Department
E.M.S. Division

Medic Co. No. M-19

Detroit, Dec 12, 2011

To: Asst. Superintendent Wilson

From: Tech. Richard Cadoura

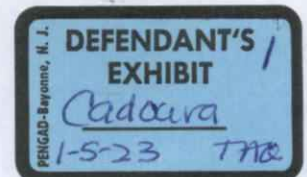
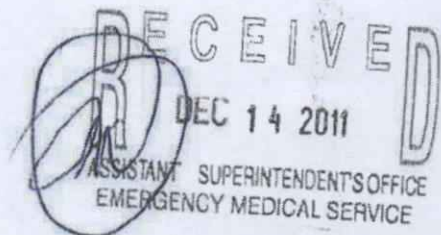
Re: Charge of Conduct

On 11-08-2011, While detailed to Medic 6, I called AC. Donella James and was informed that Lt. Sablowski was coming to the Hospital to "Conduct and Investigation into an Allegation of Patient Abandonment". I walked to the ER Dock and observed Lt. Sablowski talking with my partner Jeff Sebree. As I approached, I was informed by Lt. Sablowski that he was "conducting and investigation". I respectfully declined until a Union Rep could be present, invoking my Weingarten and Garrity Rights. Lt. Sablowski DENIED my request stating "this is not an investigation but an inquiry". I stated under GR 6.1 Section C. a Supervisor will provide a Union Rep prior to any questioning that may lead to charges now or in the future. My request was DENIED!!! As I attempted to walk back into the hospital Lt. Sablowski continued to follow me Shouting "you will answer my questions". Lt Sablowski allowed the situation to escalate by his FAILURE TO MAINTAIN ORDER AND DISCIPLINE. I do regret the fact that I allowed Lt. Sablowski's Disrespectful, Abusive, Demeaning Behavior to Provoke me into telling him 'TO GO FUCK HIMSELF' 3 times, but it did end the Confrontation. In my almost 14 year career with Dems I have NEVER been put in that situation by any other Officer in the Detroit Fire Dept. I filed a Violence in the Workplace complaint against Lt. Sablowski several years ago which was later dropped by the Law Department without being fully investigated. Since that time I have had False Complaints, Written Statements and Improper Charges written against me by Lt. Sablowski resulting in being placed off LWOPCA several times. Without the Department Investigating his Conduct.

Respectfully Richard Cadoura #608

Richard Cadoura #608

Filed by:
Robt. B.
12/13/11





Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 314
Detroit, Michigan 48226

Phone 313•224•9421
Fax 313•628•1164
www.detroitmi.gov

December 19, 2017

Richard Cadoura
[REDACTED]

Dear Richard:

The City of Detroit is pleased to extend to you a conditional offer of employment for the position of Emergency Medical Technician (Paramedic) in the Fire Department - EMS Division with a starting rate/salary of \$23.52.

You may accept or decline this offer by responding to this email at brownbel@detroitmi.gov by the expiration date of Friday, December 22, 2017.

This offer is contingent upon your successful completion of a criminal background investigation, driver's license, drug screen and pre-employment medical evaluation.

In order to complete the criminal clearance, we need the following confidential information:

Phone Number:
Date of Birth:
Gender:
Race:
Alias/Maiden Name:
Driver License Number:
Copy of diploma, degree, or transcripts verifying completion

Failure to provide this information will rescind this offer of employment.

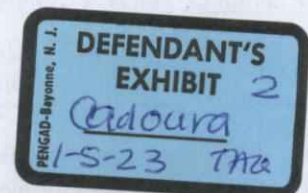
Once we receive your acceptance and the results of your pre-employment medical evaluation, you will receive an email from Employee Services Consultant, Kemia Crosson with your final certification date.

The City of Detroit is an Equal Opportunity Employer. No applicant shall be discriminated against on the basis of race, religion, color, age, gender, national origin, disability, or other criteria prohibited by City, State or Federal law.

If you have any questions, please feel free to contact me at 313.720.5632 and I will be more than happy to discuss the details of this offer.

Sincerely,

Belinda Brown, Recruiter II
Human Resources Department





Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 314
Detroit, Michigan 48226

Phone 313•224•9421
Fax 313•628•1164
www.detroitmi.gov

December 4, 2017

Richard Cadoura
[REDACTED]

Dear Mr./Ms. Cadoura:

RE: Application for – Exam - 2017222403126xx

You have been scheduled to take the Physical Agility Test (PAT) for the Emergency Medical Technician (Basic / Paramedic) position. In order to participate in the PAT you must have a signed, current Medical Clearance from a physician.

This Medical Clearance Form is included with this letter. NO CANDIDATE will be allowed to participate in the PAT without a current Medical Clearance Form signed and dated by a physician.

You are scheduled to participate in the PAT on Thursday, December 7, 2017 at 8:30 am.

Please report to the Fire Department Training Academy, located at 10200 Erwin Street (between Lynch & Grinnell - off Van Dyke) in Detroit, 48208. Parking is available in the front of the Fire Department Training Academy.

YOU MUST BRING WITH YOU TO THE PHYSICAL AGILITY TEST:

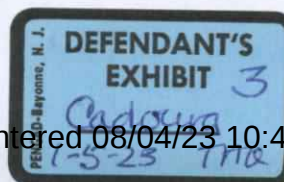
- This letter - Admittance Notice
- Your signed medical clearance
- A COPY and the ORIGINAL of your current Driver's License with Chauffeurs' Endorsement (if you don't have one, you must have one by the first day of the Academy – 1/22/2018)
- A COPY and the ORIGINAL of your current State of MI - EMT (Basic / Paramedic) License
- A COPY and the ORIGINAL of your current State of MI - Detroit East Medical Control Authority Certification (DEMCA), (if applicable for Paramedic)
- Bring an Updated Resume
- Bring a COPY of the following - Work Experience Documentation:
 - o two (2) recent check stubs
 - o 2016 W-2
 - o two (2) Reference Letters

Please wear loose fitting and comfortable full-length pants and shirt, along with gym shoes or other comfortable footwear.

Please reply back stating you will be in attendance by contacting me at 313.720.5632 by Wednesday, December 6, 2017.

IF YOU CAN NOT MAKE IT TO THIS EVENT AND WISH TO RE-SCHEDULE, please contact my Administrative Assistant, Lisa Nelson at 313.224.3477.

Sincerely,
Belinda Brown, HR Recruiter II
Human Resources Department



20-cv-12986 000483



Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 314
Detroit, Michigan 48226

Phone 313•224•9421
Fax 313•628•1164
www.detroitmi.gov

January 13, 2018

Richard Cadoura
[REDACTED]

RE: Application for Paramedic

Dear Mr. Cadoura:

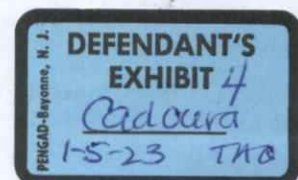
Thank you for your interest in the above referenced position. Your skills and commitment to the City of Detroit were recognized and greatly appreciated.

We regret to inform you that you are no longer considered for selection for the Detroit Fire Department - EMS Division.

If you have any questions, please feel free to contact me at 313.224.3730.

Sincerely,

Belinda Brown
Human Resources Department



DATABASE

City of Detroit

NOTICE OF RESIGNATION**EVALUATION AND RECOMMENDATION FOR REINSTATEMENT****1. EMPLOYEE**

DEPARTMENT FIRE DIVISION EMS
 I, RICHARD CADOUKA, S.S. # [REDACTED] Hereby tender
 my resignation as EMT title for the following reason(s): RETIREMENT

My last day of work will be 7 day 6 date. Additional comments: _____

Forwarding Address (either home or work): [REDACTED]

[Signature] 6-3-13
 (signature) (date)

2. HUMAN RESOURCES DEPARTMENT, EMPLOYEE SERVICES DIVISION**DISCIPLINARY ACTION - LAST 18 MONTHS**

Number of Written Reprimands: 1 Number of Suspensions: 1
 Reason(s) for Reprimand: Conduct
 Reason(s) for Suspension: Conduct

ATTENDANCE AND TARDINESS RECORD - LAST 18 MONTHS

<u>15</u> Paid Sick Leave	<u>10</u> Occurrences	___ Beginning of Shift
___ Absent /No Pay	Occurrences	___ Return from Lunch
___ Dept. Leave	Occurrences	
___ A.W.O.L.	Occurrences	
___ Workers Compensation	Occurrences	
___ Funeral Leave.	Occurrences	
___ FMLA	Occurrences	
___ Other	Occurrences	
<u>15</u> Total Days Absent	<u>10</u> Total Absence Occurrences	___ Total Times Tardy

DEFENDANT'S
EXHIBIT 5
Cadouka
1-5-23 TAO

GODIVA

Thank you again for choosing GODIVA as your partner in making the world a more wonderful place!

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Notice of Resignation
Effective 04/09/03

Page 3

FORM9087
Rev 6

13-53846-tjt Doc 13713-6 Filed 08/04/23 Entered 08/04/23 10:44:20 Page 89 of 119

Confirmation of your Web Order 2001000926

11/28/22, 3:11 PM

ATTENDANCE AND TARDINESS RECORD

☐ Satisfactory ☒ Needs Improvement ☐ Unsatisfactory

Comments: _____

WORK PERFORMANCE

	EE	ME	NI	UN	
Overall ability to perform:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	EE-Exceeds Expectations NI-Needs Improvement ME-Meets Expectations UN-Unsatisfactory
Quality of work:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Quantity of work:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Knowledge & Skills:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Technical Knowledge:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Practical Skills:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Ability to learn:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Work Behavior:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Supervisory Abilities:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> (N/A)

DEPARTMENTAL RECOMMENDATION

REINSTATEMENT: ☐ Yes ☒ No Date: _____
 Completed by: Anthony M. White Title: Belmont Lt
 Supervisor's Name
 Approved by: SEBASTIAN J. JAMES Title: EMT. Capt
 Manager's Name
 Approved Date: 6/10/13 Comments (If reinstatement is NOT recommended, state reason): _____

Putting discipline for work behavior.

EXIT INTERVIEW(S) CONDUCTED BY:

Date of Interview: 6/10/13 Name: Anthony M. White Title: Belmont Lt

COMMENTS: _____

Date of Interview: _____ Name: _____ Title: _____

COMMENTS: _____

Reinstatement is governed by Human Resources Rule 15. To be eligible for Reinstatement, the applicant must have at least one year of prior service and resigned in good standing. Applications for reinstatement will be accepted for a period between three (3) months and twenty-four (24) months following the last day on the active payroll.

4. HUMAN RESOURCES DEPARTMENT, EMPLOYEE SERVICES DIVISION

Last Day Worked: 06/03/13 Last Day Paid: 06/03/13 City Seniority Date: 06/08/98

Effective Date of Resignation: 06/04/13 (in accordance with Human Resources Rule 15)

The Human Resources Department ☒ concurs ☐ does NOT concur with the Reinstatement

Recommendation of the employing department:

Brandi Richman Date: 8/16/13

HRC Printed Name

Signature

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Notice of Resignation
Effective 04/09/03

Page 5

FORM9067
Rev 6
20-cv-12986 000464

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION		Charge Presented To: Agency(ies) Charge No(s):	
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
		471-2019-03981	
Michigan Department Of Civil Rights and EEOC			
State or local Agency, if any			
Name (indicate Mr., Ms., Mrs.)		Home Phone (Incl. Area Code)	Date of Birth
Richard N. Cadoura		(313) 971-8500	1971
Street Address		City, State and ZIP Code	
12559 Stoneridge Lane, #102, South Rockwood, MI 48179			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name		No. Employees, Members	Phone No. (Include Area Code)
CITY OF DETROIT FIRE DEPARTMENT		201 - 500	
Street Address		City, State and ZIP Code	
1301 3rd Street, Detroit, MI 48226			
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).)		DATE(S) DISCRIMINATION TOOK PLACE	
<input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		Earliest Latest 11-06-2017 01-13-2018 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<p>I was previously employed by the above-named employer from 1998 through 2013.</p> <p>While I was employed, I made internal complaints regarding discrimination. Most recently, in November of 2017 I applied to an open position of Paramedic. On December 19, 2017 I was offered the Paramedic position and began training. However, on approximately January 13, 2018 the employer rescinded the offer. When I called to ask for the reason, I was told that I'm allegedly on a non-rehire list.</p> <p>I believe that I was denied re-hire in retaliation for complaining and based on my race and National Origin (Middle Eastern), in violation of Title VII of the Civil Rights Act of 1964, as amended.</p>			

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

8-22-2019

Date

Charging Party Signature

NOTARY - When necessary for State and Local Agency Esquire Agents

Sidney Marden

I swear or affirm that I have read the above charge and believe it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE

(month, day, year)

Aug. 22nd 2019

From: [Sean Larkins](#)
To: [Belinda Brown](#)
Cc: [Kemia Crosson](#)
Subject: Re: Richard Cadoura & Nicholas Collingsworth
Date: Friday, January 12, 2018 3:58:24 PM
Attachments: [IMAGE.BMP](#)
[IMAGE.BMP](#)

Thank you.

Chief Sean W. Larkins, Superintendent of EMS
City of Detroit Fire Department
1301 Third Street, Suite 603
Detroit, Michigan 48226
Office: [\(313\) 596-5182](#)
Cell: [\(313\) 300-1355](#)



Mike Duggan, Mayor

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>>> Belinda Brown 1/12/2018 3:57 PM >>>

There are two former employees: Richard Cadoura and Nicholas Collingsworth. I just received their personnel file and they are both not recommended for reinstatement.

>>> Sean Larkins 1/12/2018 3:55 PM >>>

Kemia,

This former employee is not a rehire, correct?

Chief Sean W. Larkins, Superintendent of EMS
City of Detroit Fire Department
1301 Third Street, Suite 603
Detroit, Michigan 48226
Office: [\(313\) 596-5182](#)
Cell: [\(313\) 300-1355](#)



Mike Duggan, Mayor

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have received this communication in error, please immediately notify us by reply email or telephone at the above number and return the original message to the sender. Thank you.

From: Kemia Crosson
Sent: Wednesday, March 25, 2020 4:07 PM
To: Tara Brin <brint@detroitmi.gov>
Cc: Lesa Kent <kentl@detroitmi.gov>; Raquiba Dismuke <DISMUKR@detroitmi.gov>
Subject: RE: EEOC Charge 471-2019-03981

Hello Tara,

The employee file on Richard Cadoura indicates he is a Do Not Rehire. There are not any additional files at EMS that states otherwise or claims of discrimination from HR. Anyone can apply for a position. However, once the file is pulled and indicates the person does not have a recommendation for reinstatement, the department who completed the form are not obligated to accept/hire the person back into the department. Richard Cadoura can work for any other department except Fire. If you have any other questions, or need further clarification do not hesitate to contact me at 313-410-0668.

Thanks!

Kemia Crosson

Employee Services Consultant
City of Detroit-Human Resources Department
Detroit Public Safety Headquarters
1301 Third Street – Ste 728
Detroit, Michigan 48226
Office: [\(313\) 596-1441](tel:3135961441)
Fax: [\(313\) 237-2584](tel:3132372584)

From: Raquiba Dismuke
Sent: Wednesday, March 25, 2020 2:07 PM
To: Tara Brin <brint@detroitmi.gov>; Kemia Crosson <crossonk@detroitmi.gov>
Cc: Lesa Kent <kentl@detroitmi.gov>
Subject: RE: EEOC Charge 471-2019-03981

Kemia
See below

From: [Kemia Crosson](#)
To: [Lesa Kent](#); [Tara Brin](#)
Cc: [Raquiba Dismuke](#)
Subject: RE: EEOC Charge 471-2019-03981
Date: Wednesday, March 25, 2020 8:18:00 PM

Hello Lesa,

In his resignation paperwork, it stated that he would not be reinstated because of pending discipline and poor work behavior.

Thanks!

Kemia Crosson

Employee Services Consultant
City of Detroit-Human Resources Department
Detroit Public Safety Headquarters
1301 Third Street – Ste 728
Detroit, Michigan 48226
Office: [\(313\) 596-1441](#)
Fax: [\(313\) 237-2584](#)

From: Lesa Kent
Sent: Wednesday, March 25, 2020 8:15 PM
To: Tara Brin <brint@detroitmi.gov>; Kemia Crosson <crossonk@detroitmi.gov>
Cc: Raquiba Dismuke <DISMUKR@detroitmi.gov>
Subject: Re: EEOC Charge 471-2019-03981

Hey Kemia I'm sorry I might have missed it is there any explanation why he is a do-not-hire.

Lesa Kent
313.224.2942
Civil Rights, Inclusion and Opportunity

From: Kemia Crosson <crossonk@detroitmi.gov>
Sent: Wednesday, March 25, 2020 5:25:01 PM
To: Tara Brin <brint@detroitmi.gov>
Cc: Lesa Kent <kentl@detroitmi.gov>; Raquiba Dismuke <DISMUKR@detroitmi.gov>
Subject: RE: EEOC Charge 471-2019-03981

You're welcome!

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD CADOURA,

Plaintiff,

Case No: 20-cv-12986

Hon. Gershwin A. Drain

Magistrate Anthony P. Patti

-vs-

THE CITY OF DETROIT,

Defendant.

_____ /

DEPOSITION (via Zoom) of BELINDA BROWN

Taken by the Plaintiff on the 4th day of
August, 2022 via Zoom Deposition commencing at
11:04 a.m.

Page 1

1 APPEARANCES:	1 Zoom Deposition
2	2 Thursday, August 4, 2022
3 For the Plaintiff: REJANAE BROOKS (P85701)	3 11:04 a.m.
4 Carla D. Aikens, P.L.C.	4
5 615 Griswold	5 BELINDA BROWN
6 Suite 709	6
7 Detroit, Michigan 48226	7 was thereupon called as a witness herein, and after
8 844-835-2993	8 having first been duly sworn to tell the truth, the
9	9 whole truth and nothing but the truth, was examined
10 For the Defendant: JASON T. McFARLANE (P73105)	10 and testified as follows:
11 ANDRAE SMITH (P69153)	11
12 City of Detroit - Law Department	12 EXAMINATION
13 2 Woodward Avenue	13
14 Suite 500	14 BY MS. BROOKS:
15 Detroit, Michigan 48226	15
16 313-237-3088	16 Q Ms. Brown, my name is Rejanae Brooks. I'm
17	17 appearing today on behalf of the plaintiff.
18 Reported By: Amy Bertin, CER-3871	18
19 Certified Electronic Reporter	19 If I ask you something you don't understand
20 586-468-2411	20 what I said or, you know, also I'm in Michigan as
21	21 well and my internet is just not good so if you
22	22 can't hear me, please let me know, I'll repeat the
23	23 question. Okay?
24	24 A No problem. Yes.
25	25 Q Could you please state your name for the record,
Page 2	Page 4
1 TABLE OF CONTENTS	1 please?
2	2 A Belinda Brown.
3 WITNESS PAGE	3 Q And are you currently employed?
4	4 A Yes.
5 BELINDA BROWN	5 Q Where are you currently employed?
6	6 A The City of Detroit.
7 Examination by Ms. Brooks 4	7 Q What is your role?
8	8 A I am a recruiter.
9	9 Q How long have you been a recruiter?
10	10 A Since October 10, 2016.
11	11 Q And what do you do in that position?
12	12 A I have a number of departments that I recruit for.
13 EXHIBITS: Exhibits Attached to Transcript) IDENTIFIED	13 So if the department states that they are looking
14	14 to fill any of their vacancies, I will post them on
15 Exhibit 1 Offer Letter 27	15 our City's website.
16 Exhibit 2 February 24th, '17 email 30	16 Q You said on the City website?
17 Exhibit 3 Regret Letter 32	17 A Yes. On the City of Detroit website.
18 Exhibit 4 Text Message 1 34	18 Q Do you do anything other than post the vacancies on
19 Exhibit 5 Text Message 2 36	19 the website?
20 Exhibit 6 Personnel file. 40	20 A I go out and look for talent based on what the
21	21 department is seeking, what position they're
22	22 looking for to fill.
23	23 Q Where would you go out to look for talent?
24	24 A At the community college. Depending on what title
25	25 it is, I'll go to the schools, the high schools,
Page 3	Page 5

<p>1 community out reach that's out there. I'll go on 2 Indeed, LinkedIn, any type of organizations. 3 Q So you said you started at the City of Detroit in 4 October of 2016? 5 A Correct. 6 Q Did you have any job before then? 7 A Yes. 8 Q Where were you employed? 9 A I was employed at Whelan Security as an HR manager. 10 Q And how long were you there? 11 A For one year. 12 Q What is Whelan Security? 13 A It's a contract security company. 14 Q And you said you were HR there; correct? 15 A HR manager. 16 Q So what was some of your duties as HR manager? 17 A As a human resources generalist, I did everything 18 from the hiring to the recruitment piece, to the 19 onboarding, benefits, employee relations, the whole 20 realm of HR. 21 Q What's your highest level of education? 22 A A bachelor's degree. 23 Q In what? 24 A Business administration, major human resources. 25 Q When did you obtain that?</p> <p style="text-align: right;">Page 6</p>	<p>1 generalist, is that interchangeable, like the 2 recruiter and HR generalist? 3 A With the City of Detroit I am a recruiter. But 4 when I worked at Whelan, I was HR manager it's like 5 the realm of it is like a generalist. So I did the 6 A through Z of human resources compared to with the 7 City of Detroit I'm just a recruiter. 8 Q So what I'm hearing and you can correct me if I'm 9 wrong is for the City of Detroit you just strictly 10 do recruiting. So that's going out and trying to 11 fill vacancies? 12 A Correct. Yes. 13 Q So do you have any say in the hiring and firing of 14 employees for the City of Detroit? 15 A The hiring along with the department is what I do. 16 Q Could you explain -- yeah. Let me just, what 17 exactly are you involved in in the hiring? 18 A I meet with the department, they let me know what 19 their vacancy is and I will post that vacancy 20 title. Whatever that position is, I will post it. 21 Once the position comes down, the posting comes 22 down, it closes, then me and the department will 23 set up an interview or if a test is required 24 they'll take a test. Those pass the test will, me 25 and the department will set up interviews. Once</p> <p style="text-align: right;">Page 8</p>
<p>1 A 2006. 2 Q And where did you get that degree? 3 A Sienna Heights University. 4 Q I'm sorry. Sienna or did you say Sienna? 5 A Sienna Heights University in Adrian, Michigan. 6 Q Perfect. 7 8 In your current position as a recruiter for 9 the City of Detroit, do you have to take any 10 trainings or get any certificates? 11 A Repeat the question, please. 12 Q In your current position for the City of Detroit as 13 the recruiter, do you have to get any, do you do 14 any trainings or receive any certificates? 15 A I have received training and certificates. 16 Q What kind of trainings? 17 A Any type of human resources training. But since 18 I've been employed with the City of Detroit I 19 received a certificate of, certification in human 20 resources generalist with our talent development 21 division. 22 Q So no yearly, like you don't have to do anything 23 yearly to keep your position? 24 A No. 25 Q As the recruiter, I know you keep saying HR</p> <p style="text-align: right;">Page 7</p>	<p>1 the person meets all the qualifications for the 2 interview they are placed on the eligibility list 3 and then we hire. 4 Q And is that decision to hire up to you or someone 5 else? 6 A Based on the scoring of the eligibility list, it's 7 based on who's next in line to be hired. 8 Q And so did you have -- what did you do to prepare 9 for today's deposition? 10 A I met with my attorney. 11 Q Did you review any documents? 12 A Yes. 13 Q Did you help produce any documents for this matter? 14 A I want to say, yes. Yes. 15 Q Is that typical that you would help produce the 16 documents? 17 A This is my first time in doing a deposition or 18 being -- 19 Q This is your first time doing, taking a deposition? 20 A With the City of Detroit in this matter with the 21 gentleman that we're speaking of. 22 Q So this is also your first time helping produce 23 documents in this particular matter? 24 A Correct. 25 Q I want to talk a little bit about some of the</p> <p style="text-align: right;">Page 9</p>

3 (Pages 6 - 9)

<p>1 things at the City of Detroit, in particular the</p> <p>2 procedures.</p> <p>3</p> <p>4 So are you aware of like any retention</p> <p>5 policies for personnel files?</p> <p>6 A No.</p> <p>7 Q So is it common to put out a vacancy for -- well,</p> <p>8 scratch that.</p> <p>9</p> <p>10 Is it typical that the City of Detroit would</p> <p>11 try to go and rehire individuals?</p> <p>12 A It's typical for the City of Detroit to rehire if</p> <p>13 the individual apply online and they meet all the</p> <p>14 qualifications, we move forward with the hiring.</p> <p>15 Q Has there ever been an instance where the City of</p> <p>16 Detroit was seeking to rehire with, that was the</p> <p>17 targeted individual, people who had previously</p> <p>18 worked for the City of Detroit?</p> <p>19 A No.</p> <p>20 Q Could you explain the process of what it looks like</p> <p>21 when someone is applying for rehire. What does</p> <p>22 that look like?</p> <p>23 A So someone that is applying for a position -- this</p> <p>24 is the question you're asking. Someone that is</p> <p>25 applying for the position and they just happen to</p> <p style="text-align: right;">Page 10</p>	<p>1 and eight people pass that interview, the eight</p> <p>2 that passed are now placed on the eligibility list.</p> <p>3 And everything at this point --</p> <p>4 Q I'm sorry. I didn't mean to cut you off. And you</p> <p>5 said, and everything is what?</p> <p>6 A Ranked.</p> <p>7 Q Ranked based on what?</p> <p>8 A Their scores.</p> <p>9 Q So is it safe to say that whoever got the highest</p> <p>10 score is like the first in line?</p> <p>11 A Yes.</p> <p>12 Q So is there anything special that takes place when</p> <p>13 an application has -- I'm sorry, when somebody who</p> <p>14 has already worked for the City of Detroit applies?</p> <p>15 It's all, is it just like standard, straight across</p> <p>16 the board?</p> <p>17 A Yes. But there are a number of tiers. There are</p> <p>18 some positions that requires a computerized based</p> <p>19 test and there are some positions that doesn't. So</p> <p>20 if it requires a computerized test or a physical</p> <p>21 agility test, the computerized test, we go this</p> <p>22 way, the process is this way. If it's a physical</p> <p>23 agility test, the process is this way. Or if it's</p> <p>24 just a straight interview, the process is this way.</p> <p>25 Q So would you look at a personnel file of someone</p> <p style="text-align: right;">Page 12</p>
<p>1 be a rehire or are you speaking we're targeting</p> <p>2 someone and we want that person to come be rehired</p> <p>3 back?</p> <p>4 Q Have you ever targeted someone to come back?</p> <p>5 A No.</p> <p>6 Q So my question is just a little bit more general.</p> <p>7 Someone submits an application, they are, I guess,</p> <p>8 applying for -- I don't even know how to phrase</p> <p>9 this. They used to be employed by the City of</p> <p>10 Detroit, they are now reapplying, what happens on</p> <p>11 your end?</p> <p>12 A They would apply online, the application, fill out</p> <p>13 the application. If the position requires a test,</p> <p>14 they will take the test. If they pass the test,</p> <p>15 the next step would be the interview. And if they</p> <p>16 pass the interview then they will be placed on an</p> <p>17 eligibility list. And then based on their ranking,</p> <p>18 if they are next in line then they will be hired.</p> <p>19 If not, they stay on the eligibility list for</p> <p>20 ninety days.</p> <p>21 Q What do you mean by next in line?</p> <p>22 A Is a ranking.</p> <p>23 Q A ranking amongst all of the people who apply?</p> <p>24 A All of the people that passed. So those that pass</p> <p>25 the interview, let's say we interview ten people</p> <p style="text-align: right;">Page 11</p>	<p>1 who previously worked for the City of Detroit in</p> <p>2 consideration of the application?</p> <p>3 A Please repeat the question.</p> <p>4 Q Would you look at the personnel file of a person</p> <p>5 who had previously worked for the City of Detroit</p> <p>6 in consideration for the application?</p> <p>7 A If they are marked as non rehireable we wouldn't be</p> <p>8 able to move forward with hiring that individual.</p> <p>9 Q How would you know they were marked non rehireable?</p> <p>10 A Based on our -- based on the personnel file and</p> <p>11 based on our payroll system.</p> <p>12 Q So when would you look at the personnel file?</p> <p>13 A Once they have completed the whole process.</p> <p>14 Q So they have passed the -- well, if there is</p> <p>15 required for a test, they have already passed all</p> <p>16 the tests and the physical test, now you're looking</p> <p>17 at the personnel file?</p> <p>18 A Correct.</p> <p>19 Q And could you explain to me some circumstances on</p> <p>20 when someone would be non rehireable?</p> <p>21 A If a department sees that an individual used to</p> <p>22 work for the City, then I will be notified. And</p> <p>23 then at that point a research will be done where</p> <p>24 I'll pull the personnel file to see what the status</p> <p>25 is.</p> <p style="text-align: right;">Page 13</p>

4 (Pages 10 - 13)

<p>1 Q I'm not sure you understood my question. 2 3 I'm asking for some examples of what makes 4 someone non rehirable. 5 A Because that's on our employee services side, 6 because now the individual is now working and being 7 employed with the City, employee services is 8 another division, they would know all of that. I 9 would not know that. All I would see is what is in 10 the system or what was marked. So I wouldn't be 11 able to answer that. 12 Q That's fair. 13 14 Do you know someone currently in the employee 15 services division? 16 A They have probably fifteen employees. They have a 17 number. 18 Q Is there like a head person in that department? 19 A It is. 20 Q Who is that? 21 A Raquiba Dismuke. 22 Q Could you spell that? 23 A Yes. R-A-Q-U-I-B-A. And her last name is D-I-S-M- 24 U-K-E. 25 Q I'm sorry, you cut out. Could you spell the last Page 14</p>	<p>1 A During our physical agility test with EMS division. 2 Q And that was your first time speaking to him during 3 the physical agility test? 4 A Correct. 5 Q So when he submitted an application, were you 6 notified of the application? 7 A Yes. 8 Q After receiving his application, what happened? 9 A So a posting is posted, individuals apply online. 10 Him and along with other applicants, I send them a 11 notification to attend the next physical agility 12 test with the EMS division on this particular day, 13 at this particular time. Those that show up, we 14 start the physical agility test. They get 15 introduced to what's going to happen next, they go 16 out to the bay to see what the physical agility 17 test entails and then they take the test. 18 Q So the notification to attend the physical agility 19 test, is that considered an offer of employment, 20 was that a conditional offer or is that just, what 21 is that? 22 A So for the EMS division, they were seeking to hire 23 EMTs, emergency medical technician and paramedics. 24 So in order for them to, in order for the division 25 to hire, to get ready to start the process we have Page 16</p>
<p>1 name one more time, please? 2 A D-I-S-M-U-K-E. 3 Q Perfect. Thank you. 4 5 And so she would be the person to talk to if I 6 wanted to know about what makes someone non 7 hireable? 8 A Correct. 9 Q I know that you already said that you are not 10 familiar with the retention policy of documents for 11 the City of Detroit; correct? 12 A Correct. 13 Q As far as personnel files go? 14 A Correct. 15 Q Do you know who would know about that? 16 A Our chief of policy and planning. 17 Q Chief of policy and planning. 18 A Her name is Kimberly Hall Wagner. 19 Q And you said chief of policy and planning? 20 A Correct. 21 Q Well, I don't like to waste a lot of time so I want 22 to get straight to it. 23 24 Can you recall the first time speaking to Mr. 25 Richard Cadoura? Page 15</p>	<p>1 to make sure that they are able to do the physical 2 piece of being an EMT or a paramedic. 3 4 So that is just them come in to do the 5 physical portion of it. So, in other words, in the 6 beginning when I mentioned we have individuals come 7 in and take the computerized based test and that's 8 the process that way or they come in and do an 9 interview and that's a process this way. With EMS 10 their process begins with the physical agility 11 test. 12 Q So once an individual passes the physical agility 13 test then what's next after that? 14 A An oral interview. 15 Q And who is the oral interview with? 16 A It's a human resources recruiter along with a 17 member of the EMS division, one of their captains 18 or one of their lieutenants. 19 Q And this is when we get in the ranking system? 20 After this, if they pass that interview then 21 they're ranked? 22 A On the eligibility list, yes. 23 Q So did Mr. Cadoura pass the physical agility test? 24 A Yes. 25 Q And was he invited to an oral interview? Page 17</p>

5 (Pages 14 - 17)

<p>1 A Yes.</p> <p>2 Q Do you recall who his oral interview was with?</p> <p>3 A Yes. Me and Captain Walinsky.</p> <p>4 Q Walinsky. Can you spell that?</p> <p>5 A W-A-L-I-N-S-K-Y.</p> <p>6 Q And did he pass this oral interview?</p> <p>7 A Yes.</p> <p>8 Q And so he was placed on the eligibility list?</p> <p>9 A Yes.</p> <p>10 Q And ranked?</p> <p>11 A Yes.</p> <p>12 Q So was he ever offered employment after he was</p> <p>13 ranked?</p> <p>14 A Yes.</p> <p>15 Q So once he was offered employment, then what</p> <p>16 happened?</p> <p>17 A I send, along with him and some other individuals</p> <p>18 that passed, I send the department, the division,</p> <p>19 the EMS division a list of names on who will be</p> <p>20 moving forward in the hiring process so they can do</p> <p>21 their steps. I don't know what their steps is but</p> <p>22 just giving them the names of, these are the next</p> <p>23 group of EMTs or paramedics that will be hired and</p> <p>24 I just give it to the division.</p> <p>25 Q Do you recall the other applicants who were moving</p> <p style="text-align: right;">Page 18</p>	<p>1 Q So taking you back to when you sent the list of Mr.</p> <p>2 Cadoura and the other applicants to the EMS</p> <p>3 department, do you recall anyone saying anything to</p> <p>4 you about the list?</p> <p>5 A Yes.</p> <p>6 Q What do you recall?</p> <p>7 A One of the -- the chief mentioned that he was non</p> <p>8 rehireable.</p> <p>9 Q Is this Mr. Walinsky?</p> <p>10 A No. He is the captain.</p> <p>11 Q Who was the chief at the time?</p> <p>12 A Sean Larkins. S-E-A-N, Larkins, L-A-R-K-I-N-S.</p> <p>13 Q And he was chief of EMS?</p> <p>14 A He is chief of EMS.</p> <p>15 Q Oh. He is. And Mr. Walinsky is the captain of</p> <p>16 the --</p> <p>17 A Within EMS.</p> <p>18 Q And I might have cut you off to figure out who this</p> <p>19 person was. What did Mr. Larkins say to you after</p> <p>20 you sent the list?</p> <p>21 A He stated that he was non rehireable.</p> <p>22 Q Did he tell you why?</p> <p>23 A No.</p> <p>24 Q Did you ask why?</p> <p>25 A No.</p> <p style="text-align: right;">Page 20</p>
<p>1 forward with Mr. Cadoura?</p> <p>2 A No, I cannot.</p> <p>3 Q And you said that you give the list of the people</p> <p>4 who are moving forward to the EMS department?</p> <p>5 A Correct.</p> <p>6 Q Who was in charge of that, who received that list?</p> <p>7 A I cannot recall who the individuals are but it</p> <p>8 would be -- I cannot recall.</p> <p>9 Q Is it always the same position like the chief of</p> <p>10 EMS or who typically receives that list?</p> <p>11 A I cannot recall.</p> <p>12 Q Let me ask you this. Is it a similar setup today</p> <p>13 as, you know, people go through, they do the oral</p> <p>14 interview, they are placed on an eligibility list</p> <p>15 and ranked? Do you still send the list of names to</p> <p>16 the department that they're being hired into?</p> <p>17 A No. Because we have changed the process now as a</p> <p>18 whole, within the whole entire fire department.</p> <p>19 Q So what happens now?</p> <p>20 A We are hiring fire fighters and they are doing dual</p> <p>21 roles. So they come in as a fire fighter and</p> <p>22 they'll do a twenty week academy. And at the end</p> <p>23 of the academy they are now EMTs. So when they get</p> <p>24 out and do their roles after completing the academy</p> <p>25 they are now fire fighter/EMTs.</p> <p style="text-align: right;">Page 19</p>	<p>1 Q So once you learned that he was non rehireable then</p> <p>2 what happened?</p> <p>3 A I pulled his personnel file.</p> <p>4 Q For what purpose?</p> <p>5 A To see why he is non rehireable.</p> <p>6 Q Did you figure it out?</p> <p>7 A It is listed in the personnel file.</p> <p>8 Q Do you recall what it said?</p> <p>9 A No. Not as of today.</p> <p>10 Q Did you discuss the fact that Mr. Cadoura was non</p> <p>11 rehireable with anyone after you learned that?</p> <p>12 A I brought it back up to Chief Larkins by letting</p> <p>13 him know I see.</p> <p>14 Q And was that the end of the discussion?</p> <p>15 A No. I had to put a letter together to let Mr.</p> <p>16 Cadoura know that he was not able to move forward</p> <p>17 in the hiring process.</p> <p>18 Q And did you tell him why?</p> <p>19 A No.</p> <p>20 Q Did he ask you?</p> <p>21 A I never had a verbal conversation with him. It was</p> <p>22 communicated via email.</p> <p>23 Q You never had a verbal conversation with him</p> <p>24 throughout the process or after you learned he was</p> <p>25 non rehireable?</p> <p style="text-align: right;">Page 21</p>

6 (Pages 18 - 21)

<p>1 A Throughout the whole entire process. 2 Q What do you consider a verbal communication? 3 A Me actually talking to an individual. 4 Q In person or on the phone? 5 A In person or on the phone. 6 Q How did you communicate with Mr. Cadoura? 7 A Via email. 8 Q Solely email? 9 A Solely email. 10 Q So did Mr. Cadoura respond to your email after you 11 informed him that he was no longer considered? 12 A I don't recall. 13 Q Are you aware of any of Mr. Cadoura's past -- 14 scratch that. 15 16 After you learned that he was -- actually, 17 scratch that. 18 19 When he applied, could you see that he was a 20 rehire? 21 A No. 22 Q So you had no knowledge of that until Mr. Larkins 23 informed you? 24 A Correct. 25 Q And in the personnel file was, was there anything</p> <p style="text-align: right;">Page 22</p>	<p>1 knew before I bring anything up. But mainly the 2 question was, were there writeups in there as well. 3 I just wanted to know your knowledge because you 4 said you were hired in 2016; right? 5 A That's correct. 6 Q He was there, his previously employment was before 7 you started. I wanted to know what you knew about 8 his previous employment. 9 A Even though I was hired in October 2016, I didn't 10 go over to the fire department until July 2017. 11 Q So do you know anything about any other lawsuits 12 that Mr. Cadoura is involved in? 13 A No. 14 Q To this day you do not? 15 A I received an email maybe the beginning of this 16 year in regards to this whole process that we're 17 going through right now. And that's when I 18 received knowledge. 19 Q So what were you told about those? 20 21 MR. MCFARLANE: I'm going to object as 22 privileged. 23 24 MS. BROOKS: I'm almost certain that -- so 25 that's just for the record. I'm pretty sure she</p> <p style="text-align: right;">Page 24</p>
<p>1 speaking to his previous employment? 2 A So in his personnel file, during the time that he 3 worked for the City to the last day of work and the 4 reason why he was non rehireable is listed. 5 Q Did you see anything regarding disciplinary issues 6 in his personnel file? 7 A It is on that one sheet that states the reason that 8 he is non rehireable. 9 Q So the reason is the only thing that spoke to 10 discipline? I guess my question is like, did you 11 see write-ups or anything like that in the file? 12 A No. 13 Q I should have done this earlier. Are you alone in 14 the room? 15 A I am. 16 Q And is there anything in front of you? 17 A The TV. 18 Q So you said that the only thing that spoke to 19 discipline was the reason why he was non 20 rehireable? 21 A So just asking, do you have the sheet that states 22 his last day? Because all that is on there, the 23 date, the last day that he worked and the reason 24 why he is not recommended to return back to work. 25 Q I do. I do have it. I just wanted to see what you</p> <p style="text-align: right;">Page 23</p>	<p>1 can still answer if she knows; right? 2 3 MR. MCFARLANE: No. She's not answering that. 4 It's a communication with an attorney, she's 5 absolutely not answering. 6 7 MS. BROOKS: So let me rephrase it. 8 9 BY MS. BROOKS: 10 11 Q What did you learn about the other lawsuits? 12 A I have no knowledge of any lawsuits. 13 Q I'm talking about when you said that you were 14 informed about them at the beginning of the year. 15 16 MR. MCFARLANE: That mischaracterizes her 17 testimony. 18 19 MS. BROOKS: Ms. Bertin, is that how you 20 pronounce it? Could you please reread, I want to 21 say when I asked what she knew about it? 22 23 (Whereupon the question and answer were played 24 back by the court reporter.) 25</p> <p style="text-align: right;">Page 25</p>

7 (Pages 22 - 25)

<p>1 BY MS. BROOKS: 2 3 Q So my question is, what did you learn about it? 4 You said you received knowledge at the beginning of 5 the year. What did you learn? 6 A That I was involved in what we're doing right now. 7 Q And did you know what your involvement was? 8 A No. 9 Q Do you know now? 10 A That I hired him and was in the process of hiring 11 him and he wasn't hired because of a previous 12 lawsuit. 13 Q I want to pull up some documents, please forgive me 14 it might be slow. I usually have multiple screens. 15 16 Can you see my screen, Ms. Brown? 17 A Yes. 18 Q Are you able to read it or do I need to zoom? 19 A No. I can read it. 20 Q Do you know what this is? 21 A This is an offer letter. 22 Q And does it look like the offer letter that Mr. 23 Cadoura received? 24 A Yes. 25 Q And it says, you know, sincerely Belinda Brown. Page 26</p>	<p>1 screen? 2 A Yes. 3 Q Are you able to read it or do I need to zoom? 4 A No. I am able to read it. 5 Q So this is an email from Sean Larkins who you have 6 informed me is the chief of EMS. 7 A Correct. 8 Q And this is to -- who is this to? 9 A Kemia Crosson. She is the employee services 10 consultant. 11 Q And who is Zack Sydney or Sydney Zack? 12 A So Sydney Zack used to be the deputy commissioner, 13 the second deputy commissioner. 14 Q Okay. 15 A Within the fire department. 16 Q So Mr. Larkins tells Kemia that she will be 17 receiving an application for rehire from a Richard 18 Cadoura. Please pull his file and speak to the 19 department prior to making any decisions. Are you 20 aware of this email? 21 A No, I am not. 22 Q Is it common for Mr. Larkins to know that he's 23 going to receive -- 24 25 MR. MCFARLANE: I'm going to object. It calls Page 28</p>
<p>1 Did you personally send this to him? 2 A Yes. 3 Q And it says that this offer is contingent upon your 4 successful completion of a criminal background 5 investigation, driver's license, drug screening, 6 and pre employment medical evaluation. Is it safe 7 for me to say that this occurred after the physical 8 agility test and the oral interview"? 9 A Yes. 10 Q Do you recall if Mr. Cadoura -- I know it says you 11 may accept or decline this offer by responding to 12 this email by the expiration date of Friday, 13 December 22nd, 2017. Do you recall if he accepted 14 or declined? 15 A He did accept. 16 17 MS. BROOKS: I'm going to mark that exhibit as 18 Plaintiff's Exhibit 1, offer letter. 19 20 (Document marked for identification as 21 Plaintiff's Deposition Exhibit Number 1.) 22 23 BY MS. BROOKS: 24 25 Q Share my screen again. Ms. Brown, can you see my Page 27</p>	<p>1 for speculation. 2 3 MS. BROOKS: Okay. 4 5 MS. BROOKS: 6 7 Q You can answer. 8 A I don't know. 9 Q How would he know he was receiving an application 10 from -- 11 12 MR. MCFARLANE: Objection. Calls for 13 speculation. 14 15 BY MS. BROOKS: 16 17 Q If you know, you can answer. 18 A I don't know. 19 Q But he's not involved in the -- he's not involved in 20 the application intake process, is he? 21 A No. Not the application intake process. 22 Q And is it common to pull someone's file prior to 23 making any decisions? 24 A Repeat your question. 25 Page 29</p>


8 (Pages 26 - 29)

<p>1 MR. MCFARLANE: Objection. Vague.</p> <p>2</p> <p>3 BY MS. BROOKS:</p> <p>4</p> <p>5 Q Is it common to pull an applicant's file prior to</p> <p>6 making any decisions of hiring?</p> <p>7 A No.</p> <p>8</p> <p>9 MS. BROOKS: I'm going to mark this as</p> <p>10 Plaintiff's Exhibit 2, a February 24th, email.</p> <p>11</p> <p>12 (Document marked for identification as</p> <p>13 Plaintiff's Exhibit Number 2.)</p> <p>14</p> <p>15 THE WITNESS: Can you repeat that last question</p> <p>16 again? I apologize.</p> <p>17</p> <p>18 MS. BROOKS: I don't want to misstate it. I</p> <p>19 don't remember how I worded it, so Ms. Bertin could</p> <p>20 you read that back, please?</p> <p>21</p> <p>22 (Whereupon the question was read back by the</p> <p>23 court reporter.)</p> <p>24</p> <p>25 THE WITNESS: So prior to hiring?</p> <p style="text-align: right;">Page 30</p>	<p>1 Q Were you directed to send this email?</p> <p>2 A After -- yes.</p> <p>3 Q Who directed you to send this email?</p> <p>4 A I don't recall.</p> <p>5</p> <p>6 MS. BROOKS: I'm going to mark this as</p> <p>7 Plaintiff's Exhibit 3, regret letter.</p> <p>8</p> <p>9 (Document marked for identification as</p> <p>10 Plaintiff's Deposition Exhibit Number 3.)</p> <p>11</p> <p>12 BY MS. BROOKS:</p> <p>13</p> <p>14 Q Can you see my screen?</p> <p>15 A Yes.</p> <p>16 Q Do you recognize this?</p> <p>17 A It looks like a text message.</p> <p>18 Q So this first text message is from December 22nd of</p> <p>19 2017. And it says, "Good evening, Ms. Brown. Sorry</p> <p>20 for the inconvenience but I just wanted to check to</p> <p>21 make sure you received my email earlier today. By</p> <p>22 the way, this is Richard Cadoura."</p> <p>23</p> <p>24 Do you recall receiving this text?</p> <p>25 A As of today, no. But I see it was a text submitted.</p> <p style="text-align: right;">Page 32</p>
<p>1</p> <p>2 BY MS. BROOKS:</p> <p>3</p> <p>4 Q Correct.</p> <p>5 A Once we determine that a person was a previous</p> <p>6 employee, it is not common to pull a person's</p> <p>7 personnel file, a previous employee personnel file.</p> <p>8 Q Okay.</p> <p>9 A To see if they are rehireable.</p> <p>10 Q Can you see my screen, Ms. Brown?</p> <p>11 A Yes.</p> <p>12 Q And I know this one looks a little bit different.</p> <p>13 Are you able to read it or do I need to zoom?</p> <p>14 A I'm able to read it.</p> <p>15 Q Okay. And this is -- do you know what this it?</p> <p>16 A Yes.</p> <p>17 Q What is it?</p> <p>18 A It's letting him know that we regret to inform that</p> <p>19 he's no longer considered for employment with the</p> <p>20 City of Detroit EMS division.</p> <p>21 Q And did you send him this?</p> <p>22 A Yes.</p> <p>23 Q Were you directed to send this email? I think it</p> <p>24 was an email. Was it an email or a letter?</p> <p>25 A It's an email.</p> <p style="text-align: right;">Page 31</p>	<p>1 Q And it does say -- can you see my mouse?</p> <p>2 A I do.</p> <p>3 Q So right here it says, Ms. Brown, Detroit HR.</p> <p>4 A Yes.</p> <p>5 Q Is it safe to say that this is you?</p> <p>6</p> <p>7 MR. MCFARLANE: Objection. Calls for</p> <p>8 speculation.</p> <p>9</p> <p>10 MS. BROOKS: You can answer, if you know.</p> <p>11</p> <p>12 MR. MCFARLANE: This isn't her phone. How</p> <p>13 would she know who that is?</p> <p>14</p> <p>15 BY MS. BROOKS:</p> <p>16</p> <p>17 Q Right. If you know.</p> <p>18 A I don't know.</p> <p>19 Q Well, it says here, "I did. Thanks. Merry</p> <p>20 Christmas to you and your family."</p> <p>21</p> <p>22 Do you recall sending that text?</p> <p>23 A No. I do not recall.</p> <p>24 Q Well, down here where it says January 8th, 2018.</p> <p>25 "Good afternoon, Ms. Brown. This is Richard Cadoura</p> <p style="text-align: right;">Page 33</p>

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<p>1 and my physical and drug screen are complete." 2 3 Do you recall receiving that? 4 A I don't. 5 Q Was Mr. Cadoura in contact with you about his 6 physical and drug screen? 7 A I don't recall. 8 Q Do you remember if he was in contact with anyone 9 else during his process of onboarding? 10 A I cannot -- I don't recall. 11 Q Do you know if you were the main point of contact? 12 A I had an assistant who is no longer here. 13 Q Who was your assistant at the time? 14 A Cheremy (ph) Matthews. But I cannot say if she was 15 here at that time. I mean, it was so long ago. I 16 can't say if she was actually, you know, what -- 17 Q You're not aware of what dates she was employed? 18 A No. 19 20 MS. BROOKS: I'm going to mark the last exhibit 21 as Plaintiff's Exhibit 4, text message 1. 22 23 (Document marked for identification as 24 Plaintiff's Deposition Exhibit Number 4.) 25</p> <p style="text-align: right;">Page 34</p>	<p>1 Do you recall sending that? 2 A I do not. 3 4 MS. BROOKS: I'm going to mark this as 5 plaintiff's Exhibit 5, text message 2. 6 7 (Document marked for identification as 8 Plaintiff's Deposition Exhibit Number 5.) 9 10 BY MS. BROOKS: 11 12 Q Ms. Brown? 13 A Yes. 14 Q Prior to receiving Mr. Cadoura's application, were 15 you aware of who he was? 16 A No. 17 18 MS. BROOKS: Can we take like five minutes? 19 You okay with that? 20 21 MR. MCFARLANE: Yes. 22 23 (Brief pause.) 24 25 BY MS. BROOKS:</p> <p style="text-align: right;">Page 36</p>
<p>1 1 BY MS. BROOKS: 2 2 3 3 Q I'm going to share my screen. Can you see my 4 4 screen? 5 5 A Yes, I can. 6 6 Q So this appears to be to the same person; correct? 7 7 Right here. As the last text message. 8 8 A Yes. 9 9 Q So this text message, January 9th, 2018 says, "Good 10 10 afternoon. You are all set. You can put in your 11 11 two weeks notice. The academy starts on Monday, 12 12 January 22 . Someone will contact you and tell you 13 13 the next step." 14 15 Do you see that? 16 A I do. 17 Q Do you recall sending that? 18 A I do not. 19 Q It says, "This is a great day. Thank you so much 20 20 for everything." 21 22 And on January 12th, 2018 the text message 23 says, "This is Belinda Brown, HR recruiter for the 24 City of Detroit. Please give me a call when you are 25 available."</p> <p style="text-align: right;">Page 35</p>	<p>1 2 Q Ms. Brown, you said that you pulled Mr. Cadoura's 3 personnel file; correct? 4 A Correct. 5 Q Are you able to see my screen? 6 A Yes. 7 Q Does this look like what you saw when you pulled his 8 personnel file? 9 A Yes. 10 Q And this says it's a notice of resignation 11 evaluation, recommendation for reinstatement. Is 12 this the only thing that was in the personnel file? 13 A That's the only thing I received from the personnel 14 file. 15 Q And I want to scroll down here where it says, "If 16 reinstatement is not recommended, state the reason." 17 And it says, "Pending discipline, poor work 18 behavior." 19 20 Is that what you read as well? 21 A Yes. 22 Q Do you know what the pending discipline was? 23 A No. 24 Q Did you ever ask to find out? 25 A No.</p> <p style="text-align: right;">Page 37</p>

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<p>1 Q Do you know who knows what the pending discipline 2 is? 3 A I don't know. 4 Q Do you know what the poor work behavior was? 5 A I do not. 6 Q Do you know who knows? 7 A I do not. 8 Q So right here it says, "Reinstatement is governed by 9 Human Resources Rule 15." I'm going to stop right 10 there. Is there like a pamphlet of the Human 11 Resources Rules? 12 A Yes. 13 Q It says, "To be eligible for reinstatement the 14 applicant must have at least one year of prior 15 service and resigned in good standing. Applications 16 for reinstatement will be accepted for a period of 17 between three months and twenty-four months 18 following the last day on the active payroll." 19 20 Okay. It says, good standing. What's the 21 definition of good standing because I'm not -- yeah. 22 What's the definition of good standing? 23 A Because I am a recruiter and not employee services, 24 I could not tell you what their definition would be 25 in regards to good standing.</p> <p style="text-align: right;">Page 38</p>	<p>1 (Document marked for identification as 2 Plaintiff's Deposition Exhibit Number 6.) 3 4 MS. BROOKS: And I believe that that is it for 5 me. 6 7 Do you have any? I'm not sure if you want to 8 go. 9 10 MR. MCFARLANE: I have no questions. 11 12 MS. BROOKS: All right, Ms. Brown. Well, I 13 really appreciate your time. 14 15 (Deposition concluded at 12:15 p.m.) 16 17 --- 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">Page 40</p>
<p>1 Q Would Raquiba be able to speak to that? 2 A Yes. And Kemia Crosson because she is the employee 3 services consultant for the fire department. 4 Q I want to make sure I have this distinction. So 5 Raquiba is the, she's just the head of employee 6 services? 7 A Well, she's the manager. 8 Q For multiple units? 9 A Within employee services. 10 Q And so Kemia is specifically over the fire 11 department? 12 A Correct. 13 Q So are you aware what the Human Resources Rule 15 14 is? 15 A Not offhand. I don't know it. I can't memorize it. 16 I don't know. 17 Q As far as eligibility for reinstatement, do you know 18 what exactly is needed? 19 A No. Because that's employee services. 20 Q So I would need to talk to Kemia? 21 A Correct. 22 23 MS. BROOKS: I'm going to mark this as, I 24 believe, Plaintiff's Exhibit 6, personnel file. 25</p> <p style="text-align: right;">Page 39</p>	<p>1 CERTIFICATE OF NOTARY 2 3 STATE OF MICHIGAN) 4) 5 COUNTY OF OAKLAND) 6 7 I certify that this transcript, consisting 8 of 41 pages, is a complete, true, and correct record of 9 the testimony of BELINDA BROWN, held in this case on 10 Thursday, August 4th, 2022. 11 I also certify that prior to taking this 12 deposition, BELINDA BROWN, was duly sworn to tell the 13 truth. 14 I also certify that I am not a relative or 15 employee of or an attorney for a party; or financially 16 interested in the action. 17 August 10, 2022  18 19 Amy Bertin, CER-3871 20 Notary Public 21 Oakland County, Michigan 22 My Commission Expires: 08-12-24 23 24 signature not requested 25</p> <p style="text-align: right;">Page 41</p>

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[rehireable - status]

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[stay - worked]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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